



Truro Planning Board Agenda

Remote Meeting

Wednesday, November 17, 2021 – 5:00 pm

www.truro-ma.gov

Open Meeting

This will be a remote public meeting. Citizens can view the meeting on Channel 18 in Truro and on the web on the "Truro TV Channel 18" button under "Helpful Links" on the homepage of the Town of Truro website (www.truro-ma.gov). Click on the green "Watch" button in the upper right corner of the page. Please note that there may be a slight delay (approx. 15-30 seconds) between the meeting and the television broadcast/live stream.

Citizens can join the meeting to listen and provide public comment 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](tel:1-866-899-4679) and entering the access code [962-369-245#](tel:962-369-245#) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing the Town Planner at planner1@truro-ma.gov.

Meeting link: <https://global.gotomeeting.com/join/962369245>

Public Comment Period

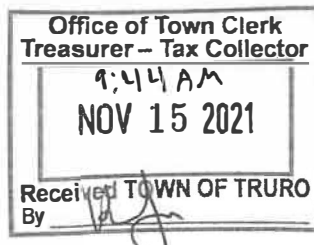
The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

Temporary Sign Permit Applications

- ♦ Andrew Locke – Hillside Farm, requesting one (1) sign, 4' x 6', to be located at 300 Route 6. The sign will be installed on November 5th and removed November 25th.

Board Action/Review

2021-006/PB – V. Henry Rothschild III et al 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 105 Castle Road, Truro, MA, Map 46/Parcel 1, Land Court Certificate of Title No. 196125 registered in Barnstable County.



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
 - Attached – M.G.L.A. Ch. 40 §15C – Scenic road designations; improvements; fines
- ◆ Other Definitions, including: Apartment, Gross Floor Area, Mean Gross Level, Multi-Family Housing, ...
- ◆ Lot Coverage
- ◆ Other

4. Draft Planning Board Perspective for the LCPC

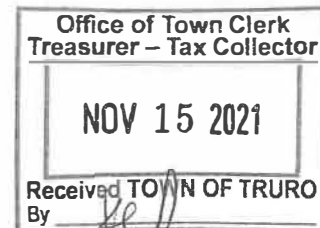
5. Draft Handbook Discussion

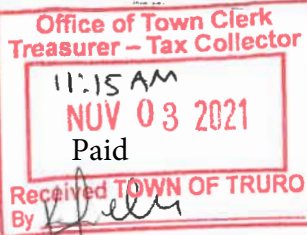
Minutes

- ◆ October 28, 2020
 - ◆ November 4, 2020
 - ◆ November 18, 2020
 - ◆ December 2, 2020
 - ◆ December 16, 2020
 - ◆ January 6, 2021
 - ◆ January 13, 2021
 - ◆ January 20, 2021
 - ◆ September 22, 2021
 - ◆ September 29, 2021
- Attached – Minutes to be created
 - Attached – Open Meeting Law Guide re Minutes

Next Meeting – Wednesday, December 1, 2021, at 5:00 pm

Adjourn





RCVD 2021NOV1 PM219
ADMINISTRATIVE OFFICE
TOWN OF TRURO



TOWN OF TRURO

PLANNING BOARD

Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00 (for each 30-day period)

Applicant Name: Andrew Locke Date: 11-1-21

Applicant Contact Information: P.O. Box 1112 North Truro MA 02652
Mailing Address
508-241-2587 Phone hillsidesailor@gmail.com Email

Number of Signs Requested: 1 Temporary Sign Dimensions:

- | | | | | |
|-----|--------|-----------|-------|-----------|
| (1) | Height | <u>4'</u> | Width | <u>6'</u> |
| (2) | Height | _____ | Width | _____ |
| (3) | Height | _____ | Width | _____ |
| (4) | Height | _____ | Width | _____ |

Location(s) of Proposed Temporary Sign(s): 300 Route 6

Date(s) of the Event in Which the Sign is Intended: _____

Date When Sign(s) will be: Installed: 11-5-21 Removed: 11-25-21

Applicant Signature [Signature] Date 11-1-21
Applicant Printed Name Andrew Locke

If sign(s) to be placed on private property, please have Owner print and sign name below:

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

Family owned Land

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

Conditions: _____

Board Signature: _____ Date: _____
Chair, Planning Board



November 9, 2021

Town of Truro Planning Board
Truro Town Offices

Re. 105 Castle Rd.

To the Planning Board

Enclosed are the ANR Plan Endorsement Review Checklist, twelve copies of Form A ANR application, twelve copies of the ANR Plan and a check made out to the Town of Truro for \$275.00.

The electronic version will be submitted to the Town Planner.

Thank you for your consideration.

Please don't hesitate to contact us with any questions at 508-255-0477.

Thank you.

Sincerely,

Dawn Sternlieb
Office Manager



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM A

APPLICATION FOR DETERMINATION THAT PLAN DOES NOT REQUIRE APPROVAL (ANR)

To the Planning Board of the Town of Truro, MA

Date: November 2, 2021

The undersigned owners of all the land described herein submitted the accompanying plan entitled: Plan of Land 105 Castle Rd. Truro, MA prepared for V. Henry Rothshild III et al and dated June 8, 2021, requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: 105 Castle Road

Map(s) and Parcel(s): Map 46 Parcel 1

Number of Lots Created: 4

Total Land Area: 490,115 square feet or 11.15 acres

The owner's title to said land is derived under deed from Thomas A. Rothschild, dated January 8, 2012, and recorded in the Barnstable Registry of Deeds Book and Page _____ or Land Court Certificate of Title No. 196125 registered in Barnstable County.

The undersigned believes that such approval is not required for the following reasons: *(check as appropriate)*

- ☐ The accompanying plan is not a subdivision because the plan does not show a division of land.
- ☒ The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Truro Zoning Bylaw under Section 50.1(A) which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
- ☒ a public way or way which the Town Clerk certifies is maintained and used as a public way, namely Castle Road, or
- ☐ a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely _____ on _____ and subject to the following conditions _____; or
- ☐ a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____.
- ☐ The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of, lots in such a manner that no lot affected is left without frontage as required by the Truro Zoning Bylaw under Section 50.1(A), which requires 150 feet.

- ☐ The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the property prior to December 8, 1955, the date when the subdivision control law went into effect in the Town of Truro and one of such buildings remains standing on each of the lots/said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:

- ☐ Other reasons or comments: *(See M.G. L., c.41, §81-L)*

All other information as required in the Rules and Regulations Governing Subdivisions of Land shall be submitted as part of the application.

_____ (Printed Name of Owner)	_____ (Signature)
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_____ (Printed Name of Owner)	_____ (Signature)
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_____ (Address of Owner(s))	_____ (Address of Owner(s))
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_____ (Printed Name of Agent)	_____ (Signature)
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(Address of Agent)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk; and a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov

Additional Signature Page for:

Form A - Application for determination that plan does not require approval (ANR)

105 Castle Road, Truro, MA

Nov 2, 2021

Adam Rothschild  Nov 2, 2021

V.Henry Rothschild  by his attorney in fact, Adam Rothschild

Martha Poell  by her attorney in fact, Adam Rothschild

Julia C. Hatfield  by her attorney in fact, Adam Rothschild

Benjamin Hatfield  by his attorney in fact, Adam Rothschild

Hannah Hatfield  by her attorney in fact, Adam Rothschild

Luke Rothschild  by his attorney in fact, Adam Rothschild

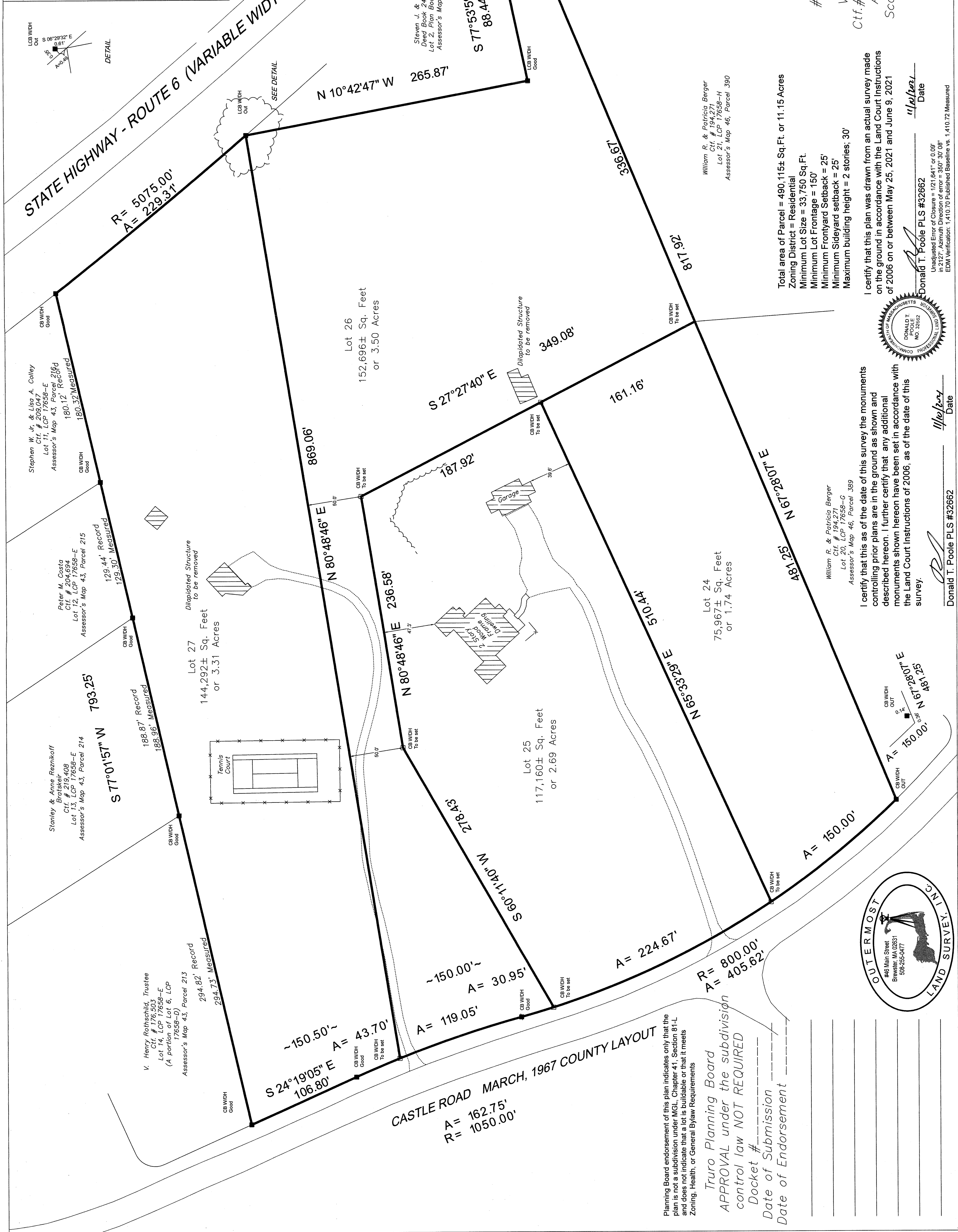
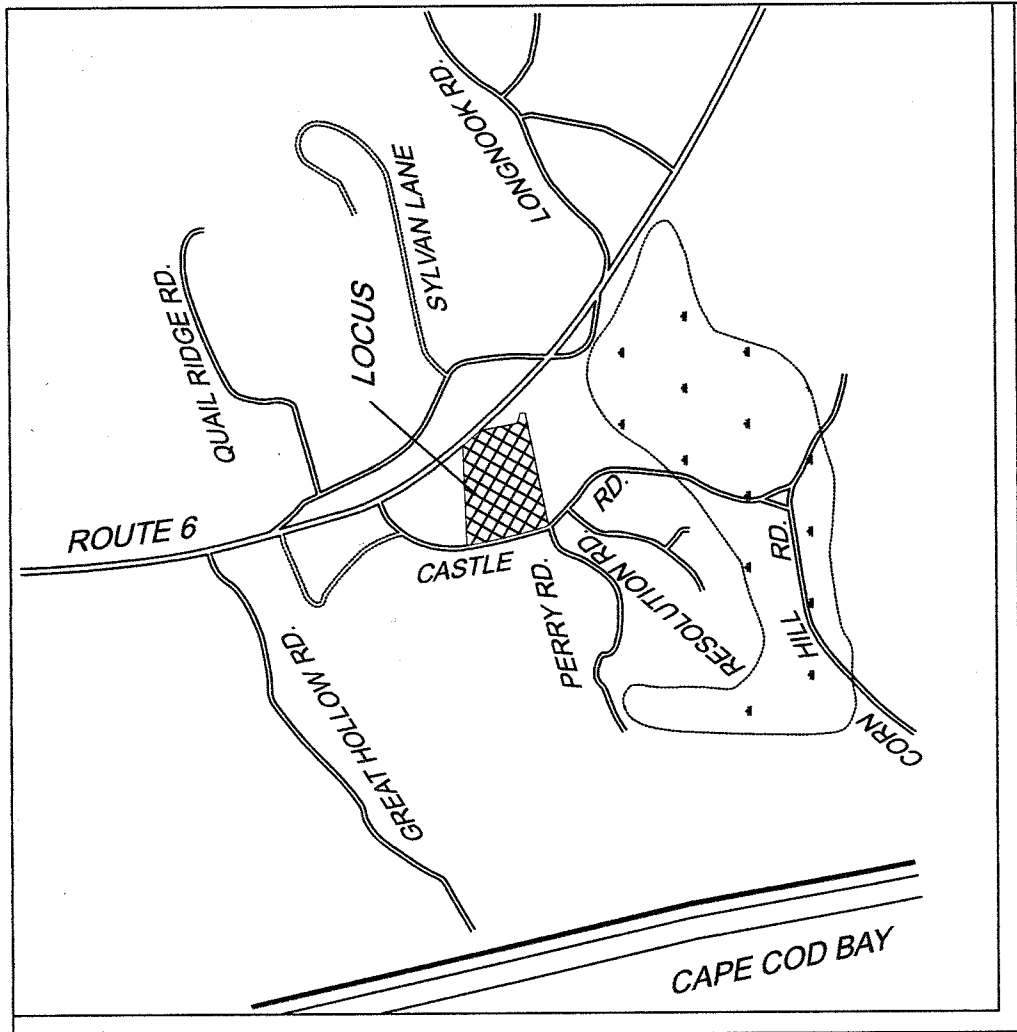
Samuel Rothschild  by his attorney in fact, Adam Rothschild

2.2 - APPROVAL NOT REQUIRED (ANR) PLAN ENDORSEMENT REVIEW CHECKLIST - Applicant

Address: <u>105 Castle Rd</u>		Applicant Name: <u>Adam Rathschold</u>		Date: <u>11/9/21</u>	
No.	Requirement	Included	Not Included	Explanation, if needed	
2.2.2 Submission Requirements					
Any person may submit a plan seeking endorsement that the plan does not require approval under the Subdivision Control Law by providing the Board with the following:					
a.	A properly executed application for Approval Not Required Endorsement (Form A).	✓			
b.	Twelve (12) paper prints of the plan. Said plan shall be prepared in such a manner as to meet the Registry of Deeds and/or Land Court requirements for recording and shall contain the following information:	✓			
b.1	The boundaries, area, frontage and dimensions of the lot or lots for which ANR endorsement is sought.	✓			
b.2	The date of the plan, scale, north arrow and assessor's map and parcel number of all land shown on the plan and directly abutting the land shown on the plan.	✓			
b.3	The name(s) of the owner(s) of record of the lots shown on the plan and of the applicant, together with the name, address seal and signature of the land surveyor who prepared the plan.	✓			
b.4	Relevant zoning classification data.	✓			
b.5	A locus plan containing sufficient information to locate the land and showing streets bounding or providing access to the property.	✓			
b.6	The name(s) of the way(s) on which the lots front, information as to ownership of the way(s) and the physical condition of the way(s) including actual width, surface type and condition.	✓			
b.7	The location and dimension of any natural features which might affect the use of the frontage for access.	✓			
b.8	The location, including setbacks to all lot lines, of all buildings and other structures on the proposed ANR lots shown on the plan.	✓			
b.9	The location of any wetland on the land shown on the plan or within one hundred (100) feet of its boundaries.	✓			
b.10	The location of all bounds and easements on the proposed ANR lots shown on the plan.	✓			

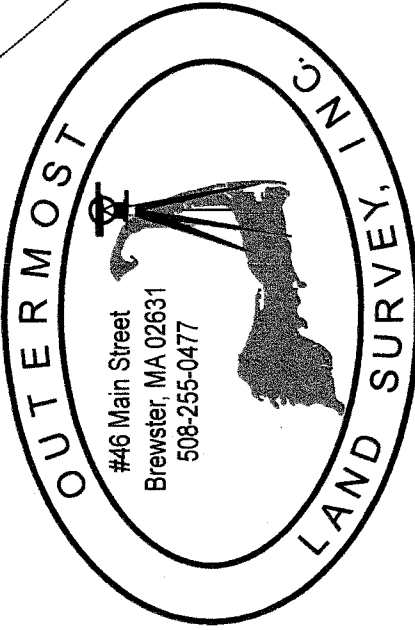
2.2 - APPROVAL NOT REQUIRED (ANR) PLAN ENDORSEMENT REVIEW CHECKLIST - Applicant

Address: <u>105 Castle Rd</u>		Applicant Name: <u>Adam Rottschild</u>		Date: <u>11/9/21</u>	
No.	Requirement	Included	Not Included	Explanation, if needed	
b.11	The statement "Approval under the Subdivision Control Law Not Required", and sufficient space for the date of the application submittal and the date of endorsement, docket number and the signatures of all Board members.	✓			
b.12	The statement "Planning Board endorsement of this plan indicates only that the plan is not a subdivision under MGL, Chapter 41, Section 81-L and does not indicate that a lot is buildable or that it meets Zoning, Health or General Bylaw requirements."	✓			



Planning Board endorsement of this plan indicates only that the plan is not a subdivision under MGL Chapter 41, Section 81-L and does not indicate that a lot is buildable or that it meets Zoning, Health, or General Bylaw Requirements

Truro Planning Board
APPROVAL under the subdivision
control law NOT REQUIRED
Docket # _____
Date of Submission _____
Date of Endorsement _____



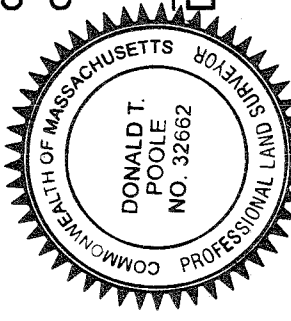
William R. & Patricia Berger
Ctf. # 194,271
Lot 20, LCP 17658-G
Assessor's Map 46, Parcel 389

I certify that this as of the date of this survey the monuments controlling prior plans are in the ground as shown and described hereon. I further certify that any additional monuments shown hereon have been set in accordance with the Land Court Instructions of 2006, as of the date of this survey.

Donald T. Poole PLS #32662

11/16/2021

Date



I certify that this plan was drawn from an actual survey made on the ground in accordance with the Land Court Instructions of 2006 on or between May 25, 2021 and June 9, 2021

Donald T. Poole PLS #32662

11/16/2021

Date

Total area of Parcel = 490,115± Sq. Ft. or 11.15 Acres
Zoning District = Residential
Minimum Lot Size = 33,750 Sq. Ft.
Minimum Lot Frontage = 150'
Minimum Frontyard Setback = 25'
Maximum building height = 2 stories; 30'

William R. & Patricia Berger
Ctf. # 194,271
Lot 21, LCP 17658-H
Assessor's Map 46, Parcel 390

Plan of Land
#105 Castle Road, Truro, MA

prepared for
V. Henry Rothschild III, et al

Ctf. # 196,125, Lot 4, LCP 17658-C
Assessor's Map 46, Parcel 1

Scale 1" = 40' June 8, 2021
ols #1001001



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.

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 Schardt 369/18
Allerton Road				X - Not Constructed	30 (No building lots)	1924 Pilgrim Heights at High Head 20/5
Amanda Lane		X			36	1995 J. Allen Kosowsky 509/38
Amber Way		X			39	1980
Amity Lane			X		46	1965
Anderson Way			X		42, 43	12/18/1959
Annie May Way		X			39	1994 Michael & Theresa Silva, Tr. 504/53 (lots rel 2003)
Arrowhead Farm Road		X			35	1987 Herbert Stranger 440/12
Arrowhead Road	Y				22, 32	1956 Layout
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	

Bradford Road					X - Not Constructed	29, 30		1924 Pilgrim Heights at High Head 20/5	20/5
Brewster Road					X - Not Constructed	30		1924 Pilgrim Heights at High Head 20/5	20/5
Briar Road						59		1976 L.C. 26481	
Bridge Lane					X	50		1954 L.C. 20105E 15" Way	
Bridge Road	Y					46, 50			
Button Hill Road						53		1994 John M. Thornley 507/29	
Cabral Farm Road						42		??	
Capt Mayo Drive -N/A				X		17, 18		Town & State Owned - Paper Road	
Cardinal Lane					X	39		1939 L.C. 16790 12' Wide & 1960 (Plan D)	
Carrs Lane		X*				50		1983 Anne K. Carr *Rd Construction Waivers 380/24	
Castle Hill Lane						50		1960 L.C. 30557A shows on the plan	
Castle Road	Y					43, 46, 50			
Castle Terrace					X	46		Referenced in 1951 Deed as a 20' ROW	
Cemetary 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	
								1988 Rob't Kenny & Wm Dacey 450/47. Lots 1,13,14,15 Excluded from PB Cov. 6312-96. Aldrcih Nominee Trust	
Daniel Lane						39		1972 L.C. 31205E (3) (1st 2 lots) & 1972 37200A	
Deer Path						47		Appears to be created by 1961 ANR 163/75, 1958 142/67, & 1977 314/50. Also, referred to in 1959 Deed	
Depot Lane						50			
Depot Road	Y					50, 57			
Deschamps Way					X	53		1953 Grace DesChamps 30' ROW off Proprietors Rd 113/145-2	

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

Heron Lane					39			1979 Harold Harris Shearwater L.C. 34915C
Higgins Hollow Road	Y				43,46			1928
Higgins Way				X	46			974 Clark Brown/WF Slade 289/99 Also- Pre-1955
High Head Road	Y				10,11,29			
High Pamet Road				X	50			1913 See Deed 323-99
High Ridge Road					42, 45			1977 Richard Butterfield & Est of John 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 Refereneced as ROW in Aug. deed 918-57
Indian Neck Way			X		39			2000 L.C. 29915-O
Issac Small Lane N/A								Town & State Owned - Paper Road
Jeans Way					46			1966 S. Joseph & Zena Nemetz 212/45
Josephs Road					46			1971 J. Schoonejongen 246/86
Jillmar Lane					45			1979 Nicolas Brown 338/54
Jobi Way					40			1972 Joseph Colliano & Willis Hastings 261/86
Katharine Road			X?		59			1971 L.C. 25480A
Keezer Court ??					51			
Kettle Hole Lane					42			1986/7 Bayside Hills Julsan Reatly Trust 431/74
Kill Devil Road		X			42			2001 Milton Wright (Cov Rel) 568/46
Kimberley Lane			X		34			1958 Berenice Hoskins 143/51
Kings Road aka Collins Road					55, 56, 61			
Kinnikinnick Road -NOT A ROAD					46			1973 20' Easement see Dec. of Easement 1860-75
Knights Way			X		46			1997 Knight Nominee Trs (NO Cov Rel) 535/10
Knowles Heights Road	Y				21, 29			1956 Layout
Kyle Way					39			1988 Rob't Kenny & Wm Dacey 450/47 . Lots 1,13,14,15 Excluded from PB Cov. 6312-96. Aldrcih Nominee Trust
Lambrou Lane		X			36			1999 Gregory Lambrou (comp cov rel 13960-129) 553/17
Lauras Way			X		39			2005 Czyoski (complete release 2014) 637/7
Laurel Lane		X			54			1986 Roy Barnhart, Mary Reinhart & Tim Tracy 417/23
Lawrence Way					42			1967 Eve Rosen 213/115

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

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

Quail Run					47			1972 L.C. 31205E (2 & 3) & 1972 L.C. 37200A
Quail Way					42			1979 L.C. 32874B & 1963 32874A (Dirt Rd)
Quanset Road					58,59			1976 L.C. 26481B (See Brian Lane)
Rabbit Hill Road					47			1963 L.C. 31205C
Resolutions Road					45, 46			1966 S. Joeseph & Zena Neimetz "Catherdral Hill" 212/45
Rich Road					54			1969 L.C. 34633A
River View Road		X			50			1995 Depot Road Nominee Tr. 517/92
Rolling Hills Road					58			1957 Dorothy Schroeder 139/131
Rose Hill Lane				X	54			1997 Gary & Guity Becker (Not Constructed) 538/6
Rose Road				X	61			Noted in various deeds pre-1955
Route 6			Y		Multiple Sheets			State Road - MassDOT
Russell Way (& Easement)		X			39			2003 Paul Brandon (Road Constr Waived) 581/87
Ryans Way		X			46			1973 L.C. 37177A Burton Rice 286/61
Ryder Beach Road			Y		58, 59, 63			
Ryder Beach Way				X	63			1968 Robert Ryan (Dirt Driveway) 225/9
Ryder Hollow Road					63			1963 Marjorie Hill 184/123
Sage Ridge Road					39			1985 Clarence & Marjoire McCarthy 406/73
Salt Marsh Lane		X			53, 54			1994 Peter & Anne Poor (Dirt Rd) 593/33
Sams Way				X	24			1993 Samuel Dyer Jr (Not Constructed) 503/18
Sand Pit Road					39			1970 John F. Noons Tube 169
Sandpiper Avenue		X			35			1979 Earl Godwin & Luther Crowell "Clear View Acres" 338/15
Sandpiper Road					58, 59			1976 L.C. 26481
								1985 Don Brierly & Mareen Chiarappo 408/43 & 1999 Nickerson Realty Corp. 550/82 aka "Bay Knolls"
Sandy Lane		X			43			
Sawyer Grove Road		X			39			1995 Helen Mary Sawyer 512/13
Schardt Way					39, 40			1982 Nene Schardt 369/18
Scrimshaw Street					46			1964 Woodbridge (S. Joseph Nemetz) 189/71
Scrub Oak Way ??					43			Shows on 1966 ANR (John & Jeanne Gainey) 201/143
Second Landing Way ??					45			Shows on 1977 Plan Leroy Lippincott - Driveway - 248/35
Secor Lane					50			1986 Frank Dickerson 424/29
Shore Road			Y		1-3, 5 - 10, 12, 13, 16, 17, 20-22, 35, 36, 39			
Short Lots Lane		X			43			1991 Stephen Richard & John Perry 482/14
Short Street		X			46			1991 Raymond Cabral 482/62 (Rec'd a Var from ZBA)
Sky View Drive		X			42			1974 John & Richard Butterfield 284/88
Skylar Lane					54			1984 Christopher Winfiled & Andrea Johnson 385/5 No Covenenat Release Found
Slade Hill Pond ??					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)
								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
Sturdy Way						58		
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
								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.)
Sylvan Lane						43		1966 Sylvia Epstein 203/115 & 1970 Sylvia Epstein 244/133
Sylvias Way						43		
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
								Appears to have been created by 1968 ANR
Valentina Way??						60, 61		Valentine Rose 229/59
Walsh Way??						43		Ref. in Deed Bk. 1091, Pg. 549
Warren Place						46		1962 Cape Land Inc. 174/83

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

KEY

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

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

Massachusetts General Laws Annotated

Part I. Administration of the Government (Ch. 1-182)

Title VII. Cities, Towns and Districts (Ch. 39-49a)

Chapter 40. Powers and Duties of Cities and Towns (Refs & Annos)

M.G.L.A. 40 § 15C

§ 15C. Scenic road designations; improvements; fines

Currentness

Upon recommendation or request of the planning board, conservation commission or historical commission of any city or town, such city or town may designate any road in said city or town, other than a numbered route or state highway as a scenic road; provided, however, that a numbered route may be designated by a city or town as a scenic road if its entire length is contained within the boundaries of said city or town, and no part of said route is owned or maintained by the commonwealth.

After a road has been designated as a scenic road any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board, or if there is no planning board, the selectmen of a town, or the city council of a city, after a public hearing duly advertised twice in a newspaper of general circulation in the area, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing; provided, however, that when a public hearing must be held under the provisions of this section and under [section three of chapter eighty-seven](#) prior to the cutting or removal of a tree, such hearings shall be consolidated into a single public hearing before the tree warden and the planning board, or if there is no planning board, the selectmen of a town, or the city council of a city, and notice of such consolidated public hearing shall be given by the tree warden or his deputy as provided in said [section three of chapter eighty-seven](#). Any city or town making said scenic road designation may make an ordinance or by-law establishing that a violation of this paragraph shall be punished by a fine not to exceed three hundred dollars.

Designation of a road as a scenic road shall not affect the eligibility of a city or town to receive construction or reconstruction aid for such road pursuant to the provisions of chapter ninety.

Credits

Added by St.1973, c. 67. Amended by St.1979, c. 552, § 1; St.1985, c. 384; [St.1989, c. 360](#).

M.G.L.A. 40 § 15C, MA ST 40 § 15C

Current through Chapter 55 of the 2021 1st Annual Session

End of Document

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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 dark 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

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 12th 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 3rd, 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,

A handwritten signature in dark ink, appearing to read "Alexander O. Powers", with a stylized, sweeping flourish at the end.

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 2nd 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 2nd story home to the foundation, make repairs if necessary, and then rebuild it as a 1-story with partial 2nd 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,

A handwritten signature in dark ink, appearing to read "Alexander O. Powers", with a stylized flourish at the end.

Alexander O. Powers
Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 6, 2021 – 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: One open membership on the Board

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Christine Van Genderen – Applicant; T-Mobile Northeast, LLC – Applicant; Anne Peretz – Applicant; Ben Zehnder – Attorney for Christine Van Genderen, Anne Peretz, and Samantha Perry; Dan Costa – Architect for Anne Peretz; Brad Malo – Engineer for Anne Peretz; Don Poole – Land Surveyor for Christine Van Genderen and Nathan Nickerson III; Adam F. Braillard – Attorney for T-Mobile Northeast, LLC – Applicant

Remote meeting convened at 5:00 pm, Wednesday, January 6, 2021, 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 Truro Office Assistant Sturdy to ask Caller #2 to identify themselves, and Caller #2 identified herself as Anne Peretz.

Public comment, for things not on the agenda, was opened by Chair Greenbaum. Ms. Ellen Anthony was recognized, and she stated that she wanted to provide comment on a topic that was on tonight's agenda and Chair Greenbaum told her that she would have the opportunity to comment at that time.

Public Hearing (Continued)

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 announced that this was a continuance of a previous public hearing from the Planning Board's last meeting. Interim Town Planner and Counsel Carboni stated that at the last meeting the applicant was asked by the Planning Board to provide a zoning table and a stamped plan to the Members for their review. Chair Greenbaum invited Mr. Zehnder to comment. Mr. Zehnder said that at the last meeting there were several things requested by the Planning Board: 1. a contour plan so the shed area would be more clearly defined (now provided), 2. Planning Board wanted the 12' work limit

shown on the ground with flags (both done and produced), 3. a stamped gross site area calculation as one of the Members had said that there was no gross floor area measurement included in the application. Mr. Zehnder said that he reviewed the last meeting's video recording and Chair Greenbaum had stated that it would be acceptable to use the measurement's included in Mr. Smith's (applicant's architect) drawing so Mr. Zehnder asked the Planning Board to accept Mr. Smith's previous submission, but if that was unacceptable, Mr. Zehnder would ask Mr. Poole (the applicant's engineer) to provide that information to the Planning Board. Mr. Zehnder's concern was that it was in the best interest of the applicant that the Planning Board's decision was rendered prior to the applicant's appearance in front of the ZBA's upcoming meeting without another Planning Board delay or additional cost to the applicant. Mr. Zehnder also said that he hoped that the applicant's earlier and most recent submissions were acceptable to the Planning Board and that approval would occur this evening. Chair Greenbaum thanked Mr. Zehnder and apologized for her comment during the previous hearing that Mr. Smith's measurements as detailed in his drawing were acceptable as that was a mistake. Member Kiernan thanked Mr. Zehnder and Mr. Poole for outlining where the 12' work area would be and properly flagged as he was at the property yesterday and all was in order. Member Kiernan said he would like to also see the table on the plan but that would not necessarily stop a Planning Board approval. Member Kiernan stated that Mr. Zehnder could help the Planning Board by speeding up the process if he provided a letter or an email from the CONSCOM (Conservation Committee) even it didn't want to be involved as that it would still be helpful. Member Kiernan further said that during the Planning Board onsite visit that Mr. Zehnder said that the National Park Service (CCNS) had not been in touch and so the applicant was not concerned. Member Kiernan asked Mr. Zehnder if he had indeed received the email from the CCNS and would Mr. Zehnder comment on the email. Mr. Zehnder replied that he didn't say that the CCNS wasn't concerned but what he had said was that if the CCNS did not provide a letter that it generally indicated that it was not concerned and sometimes the CCNS' letters arrived late during the process. Mr. Zehnder stated that the CCNS' email arrived before the last hearing and that he had responded to the CCNS concerns and the Planning Board's questions at that time, but he would be happy to repeat his comments from the last hearing. At this point, Interim Town Planner and Counsel Carboni shared her screen so everyone could view the CCNS' email concerning this matter. After reading it, Mr. Zehnder stated that regarding the CCNS' concern about scaling and massing that based on lot size under the Truro zoning bylaw (for lots within the Seashore District) this project has only 2,140 square feet of gross floor area. Mr. Zehnder opined that based on lot size, this property is allowed by right to go to 3,126 square feet of gross floor area, and with special permit, go up to 4,126 square feet of gross floor area. Mr. Zehnder then added that for these reasons alone the CCNS' concern about this topic was pointless as the project's gross floor area would be well below by right (986 square feet of gross floor) than the allowable 3,126 square feet of gross floor area. Mr. Zehnder further commented that this project located along High Head, when compared to recent building along Cliff Road, is vastly smaller when compared to the newer construction. Finally, regarding the question raised by the CCNS' Planner, Lauren McKean, about her allegation that there is no Certificate of Suspension from Condemnation (CSC) for the property because it is ineligible, Mr. Zehnder responded that it is not germane to the Planning Board and that if the CCNS wants to revoke a CSC, or attempt to seize a property under eminent domain, this does not have anything with the zoning process within Truro's Planning Board or ZBA. Mr. Zehnder concluded that he hoped that his comments were sufficient for the Planning Board at this time. Chair Greenbaum thanked Mr. Zehnder and asked for comments. Interim Town Planner and Counsel Carboni asked to share the screen again with the specifics of all the applicant's tables which show gross floor area so the Members can decide on the application tonight. Mr. Zehnder stated that the information can be found in a PDF entitled 38CliffRoadPlansStamped.pdf to assist Interim Town Planner and Counsel Carboni and is contained in tonight's packet. Mr. Poole commented that he works outside the structure so his measurements would not align with Mr. Smith's measurements which are

the architect's interior measurements. Interim Town Planner and Counsel Carboni further stated that a stamped plan by licensed professional with dimensions indicated could be incorporated into a decision and relied upon by everyone and the building inspector. Mr. Zehnder did reiterate that the gross floor area was included in the stamped architectural plan submitted by Mr. Smith. Chair Greenbaum commented that the big picture is that everything should be on the plan and should have been included in the original plan but further stated that any other additional documentation required by the Planning Board tonight would be added as a condition of the applicant's approval. Interim Town Planner and Counsel Carboni shared her screen and asked Mr. Zehnder if the 1,020 square feet indicated the gross floor area for the first floor on the stamped plan and Mr. Zehnder replied that was the gross floor area of the current structure and that the new gross floor area would be 1,252 square feet of gross floor area along with 373 square feet of porch/deck which is not included according to the bylaw. Mr. Zehnder offered to have new tables provided for current and proposed gross floor areas and Interim Town Planner and Counsel Carboni agreed that this would be the way to proceed as other boards will need this information. Member Riemer asked Interim Town Planner and Counsel Carboni if a voluntary demolition of a non-conforming structure (Angus v. Miller in 1977) does the house and land lose their non-conforming status until they are brought back into conformity. Interim Town Planner and Counsel Carboni opined that the property owner of a non-conforming dwelling is entitled under 40A §6 to alter or extend or reconstruct a non-conforming structure and bring it into conformity. Interim Town Planner and Counsel Carboni further stated that if the property owner is expanding a non-conformity structure, and not bringing it into conformity, the property owner would be required to receive a special permit granted by the ZBA and not the Planning Board. Member Riemer thanked Interim Town Planner and Counsel Carboni for her input. Chair Greenbaum asked Members if they had any other questions or concerns and there were none. Chair Greenbaum then opened the discussion to the owner or the public and asked for questions or concerns about the project. Mr. Rich Roberts asked if the applicant's address for permit was correct as it was a Connecticut address with a New Hampshire zip code. Ms. Van Genderen confirmed that the zip code is 06880 for Westport, CT. Chair Greenbaum thanked both individuals for their comments. When asked by Chair Greenbaum if she would like to provide additional comments, Ms. Van Genderen made no comment, so Chair Greenbaum asked for a motion to close the hearing.

Mr. Kiernan made a motion to close the public hearing in the matter of 2020-005/SPR.

Member Herridge seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced that the hearing is closed and asked if the Planning Board was ready for a vote. Interim Town Planner and Counsel Carboni noted that she had prepared a draft decision and reiterated that it was complete, except for several items discussed this evening but could be easily added, and available to Members. Chair Greenbaum confirmed that Members had the draft decision in front of them but asked Interim Town Planner and Counsel Carboni to share her screen with the draft decision that was included in the last hearing packet. Member Kiernan asked for those items which require special permit to be granted by the ZBA, so the Planning Board doesn't miss anything. Interim Town Planner and Counsel Carboni shared her screen that included the draft decision, which was provided at the December 16, 2020 meeting. Interim Town Planner and Counsel Carboni added that she would have to add the CCNS' email and add the gross floor area (to which Mr. Zehnder noted that those measurements are correct in Ms. Carboni's draft decision to which Ms. Carboni said that the measurements on the stamped plan and on the draft decision should be aligned). Chair Greenbaum added that the information provided by Mr. Zehnder was helpful. Chair Greenbaum then noted the table should be included to which Interim Town Planner and Counsel Carboni said that it wasn't

necessary but if the Planning Board wanted to put it in as a condition that would be fine. Chair Greenbaum said that she would like to see a revised stamped architectural plan including a complete zoning table with all required items and Vice Chair Sollog agreed with Chair Greenbaum so Interim Town Planner and Counsel Carboni will include these conditions in the draft decision. Member Kiernan also noted that the structure sits on High Head and that in accordance with the Truro bylaw no exterior lights should be seen on abutting properties and Route 6. Mr. Zehnder had no objection to this and offered that as a condition that all exterior lights conform to the Truro bylaw. Interim Town Planner and Counsel Carboni read the bylaw that included language about "light trespass" and "light below". Interim Town Planner and Counsel Carboni said that she will include this in the draft decision and Member Kiernan was agreeable to this. Interim Town Planner and Counsel Carboni recommended a motion to approve the Site Plan Review application, as amended so Chair Greenbaum asked for this motion to approve.

Member Boleyn made a motion to approve the Site Plan Review, and the decision with conditions, in the matter of 2020-005/SPR.

Member Kiernan seconded the motion.

So voted, 5-1, motion carries.

Chair Greenbaum announced that the application and decision are approved. Ms. Van Genderen and Mr. Zehnder thanked the Planning Board for their time and decision before they left the meeting.

Public Hearing

2020-014/PB – T-Mobile Northeast, LLC for property located at 344 Route 6 (Atlas Map 39, Parcel 172A). Applicant seeks a Special Permit under Section 40.5 of the Truro Zoning Bylaw to modify its existing antenna facility on the tower located at 344 Route 6 by replacing three (3) existing panel antennas with three (3) new panel antennas. The new antennas will be installed to be consistent with the original decision by the Planning Board. Chair Greenbaum announced the Planning Board's remote meeting policy and that the hearing will be opened today and continued at the next meeting so no decision will be made today. Chair Greenbaum and Truro Office Assistant Sturdy asked for Caller #3 to identify themselves and the unidentified caller left the meeting prior to the introduction of Mr. Braillard. Mr. Braillard introduced himself as an attorney of Prince Lobel Tye, LLP in Boston, Massachusetts and representing T-Mobile Northeast, LLC. Mr. Braillard provided a brief overview of the Special Permit application as stated above as well as the minimum modifications. Mr. Braillard reviewed, without Members' objection, the six criteria of the Eligible Facility Request (EFR) under Section 409 of the Spectrum Act, which is applicable for this Special Permit application. The first requirement that the increase does not exceed 10' or 10% of the height of the tower and this project will not increase the height of the tower so it will stay at 170'. The second criteria are that the modifications do not protrude from the tower by more than 20' and this application complies with this requirement as the protrusions will vary from 8'-10'. The third requirement under the EFR does not add more than four radio cabinets to carry this equipment and the net total for this proposal are two radio cabinets. The fourth requirement is that there is no excavation outside of the existing site and this application complies. The fifth requirement is that the proposal for the modifications do not exceed any existing concealed or stealth design and that is the case in this application. The sixth requirement is that the modifications comply with prior conditions of the approval of the tower and that is the case here. Mr. Braillard also opined that the public would benefit from approval and that the application adheres to all local bylaws. Chair Greenbaum asked Interim Town Planner and Counsel Carboni for her input. Interim Town Planner and Counsel Carboni stated since this applicant has requested swapping out equipment that had previously been approved, she advised the applicant not to provide detailed technical information in

this application as it is not a new tower, nor would the applicant need to provide waivers for items which had previously been approved. Interim Town Planner and Counsel Carboni also noted that the Planning Board can make findings consistent with special permit requests and she viewed the EFR as redundant, but the Planning Board can decide. Chair Greenbaum opened the discussion to the Members to ask questions or express concerns. Member Kiernan asked Mr. Braillard if the applicant is swapping out equipment and Mr. Braillard confirmed this. Member Kiernan commented that there was a concern about noise expressed by neighbors near the site and asked Mr. Braillard to ensure that the cables didn't create more "whistling" and the neighbors would be happy. Member Kiernan also noted that the addition of the cellular towers in Truro was in the public's best interest as a significant number of 9-1-1 calls to Truro's emergency services originated from cellular phones. Member Riemer asked if the abutters to the tower site had been notified and Truro Office Assistant Sturdy confirmed that they had. Vice Chair Sollog asked Mr. Braillard if it is current practice that someone from T-Mobile Northeast, LLC visits the site monthly, and Mr. Braillard stated that the equipment was checked monthly. Vice Chair Sollog commented that in the application it stated that the Town engineer would be onsite during the project and Vice Chair Sollog expressed doubt that the Town engineer would go up 170' tower. Vice Chair Sollog asked Mr. Braillard if photographs would be available to prove that unusable cables were removed and asked if T-Mobile provided RF monitors were provided to T-Mobile employees working on the site. Mr. Braillard stated that RF monitoring is required for employees onsite and contractors in accordance with OSHA regulations and T-Mobile policies. Mr. Braillard also noted that any old equipment will be removed, and he said that he didn't think that photographs would be an issue, but he would have to check with T-Mobile. Member Boleyn asked Member Riemer if he had identified any improperly disposed T-Mobile equipment at the Truro transfer station and Member Riemer said that he was unable to do so. Chair Greenbaum asked for any other questions or concerns from Members and there were none. Chair Greenbaum asked the public for their input and there were no comments or questions. Chair Greenbaum asked for a motion to continue the hearing until the next meeting on January 20, 2021.

Member Boleyn made a motion to continue the hearing in this matter to January 20, 2021.

Member Herridge seconded the motion.

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

Chair Greenbaum thanked Mr. Braillard and told him that the Planning Board will see him again on January 20, 2021. Mr. Braillard thanked the Planning Board and left the meeting.

2020-006/SPR – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nominee Trust. for property located at 112 North Pamet Road, Truro, MA, (Atlas Map 48, Parcel 1). Applicants seek a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for demolition and removal of existing single-family dwelling in the Seashore Zoning District and the construction of a new smaller dwelling at a new location set back from the coastal bank. The existing dwelling is at risk of sudden destruction due to storm-driven coastal bank erosion in its current location. Chair Greenbaum announced the Planning Board's remote meeting policy that the hearing would continue over two sessions to give the public enough time to provide comment and that no decision would be rendered this evening. Chair Greenbaum asked the applicant for an overview and stated that the goal was for the Members to identify concerns and give the applicant the opportunity to address those concerns. Mr. Zehnder introduced himself as the applicant's attorney and then introduced Ms. Peretz (applicant) who joined the meeting via phone, Mr. Costa (project architect) who joined via GoToMeeting, as well as Mr. Malo (project engineer). Mr. Zehnder then acknowledged that there was a glaring error in the application package that the zoning table with gross floor area was not included in

the architectural plan and Mr. Zehnder said that a stamped architectural plan would be submitted prior to the next meeting yet he would provide the numbers during his presentation this evening. Mr. Zehnder offered an apology to the Members for the missing information and then provided a brief overview of the application. Mr. Zehnder told the Members that Ms. Peretz is the longtime property owner and there was an existing home on the property. Mr. Zehnder said the reality is that the home must be moved back before it goes over the bluff and that Ms. Peretz has elected to remove and demolish the home, saving many elements of the home to include the windows and other materials, and then build a new home along the southerly line of the property. Mr. Zehnder said that the current structure has a gross floor area of 3,167 square feet and the new structure's gross floor area will be reduced to 2,977 square feet which is a reduction of approximately 200 square feet. Based upon lot size, Mr. Zehnder stated that the by right allowable site coverage is 3,660 square feet so Ms. Peretz is well within the by right number. Mr. Zehnder added that the applicant needs Residential Site Plan Review approval from the Planning Board and two permits from the ZBA. The applicant requires a special permit from the ZBA for the alteration of a structure on a non-conforming lot as there is no frontage and a variance since the proposed location of the new structure is 5' from the southerly lot line and that variance application will be heard by the ZBA on January 25, 2021. Mr. Zehnder also said that approval is needed from the Conservation Commission for the removal of the existing home. Mr. Zehnder said that the new home will be in the typical style of other homes in the area, the driveway will be shorter, and the down lighting plan conforms to the bylaw. Mr. Zehnder concluded that it was his hope that the application be approved at the next Planning Board meeting and that he, along with the applicant and her representatives, are happy to answer any questions. Chair Greenbaum asked Interim Town Planner and Counsel Carboni if she had anything to say and she said that she did not. Chair Greenbaum asked Mr. Zehnder about the size of the lot now as the property has been reduced by erosion and he said that he was unsure. Mr. Malo added that the property has suffered from erosion, but he doesn't have the current measurements. Member Herridge commented that he is concerned about the new driveway and whether it would be an eye sore so Mr. Zehnder assured him that it would not be visible from North Pamet Road. Member Herridge thanked Mr. Zehnder for his comment. Member Kiernan asked Mr. Zehnder if he had seen the letter from the Cape Cod National Seashore (CCNS) that arrived today to the Planning Board. Mr. Zehnder said that he had as Interim Town Planner and Counsel Carboni had provided him with a copy. Mr. Zehnder said that the letter is consistent with CCNS' stance over the last decade on new structures to be built within 10' of the lot line and the CCNS had asked the applicant to build the new structure a minimum of 10' away from the lot line. Mr. Zehnder also added that the CCNS' letter didn't express any concern over massing and density. Interim Town Planner and Counsel Carboni shared her screen so all parties could view the CCNS letter. Member Kiernan asked the applicant if the current paved driveway will be left in place and Mr. Zehnder said that he didn't know but he could get an answer by the next meeting. Mr. Malo added that part of the driveway will be removed, as indicated in the site plan, but some of the driveway will remain as it provides access to the septic system. Mr. Zehnder confirmed that the site plan does indeed show a partial removal (up to 50%) of the paved driveway and Chair Greenbaum asked Mr. Malo if the septic system could be pumped and removed. Mr. Malo replied that the septic system could be removed but he cited that in a casual conversation with the Health and Conservation agent it was viewed as a positive to leave the septic system in place. Chair Greenbaum also noted that the plan indicated an "abandoned septic tank" and Mr. Zehnder said that it would be removed. Member Kiernan asked Mr. Zehnder about a revegetation plan for the site of the removed structure and Mr. Zehnder commented that a revegetation plan falls under the purview of the Conservation Commission, and he was reluctant to provide that information to the Planning Board before a submission to the Conservation Commission. Interim Town Planner and Counsel Carboni opined that it is within the Planning Board's right to inquire about a revegetation plan and Mr. Zehnder said that the applicant will provide a revegetation plan along with a landscaping plan to the Planning

Board. Chair Greenbaum asked Ms. Peretz if she would like to speak, and Ms. Peretz assured the Planning Board that she can rebuild the property beautifully. Chair Greenbaum asked the public and neighbors to the property for comment. Ms. Ellen Anthony, of 48 South Pamet Road, stated that she was present at the site visit and had a few questions along with a concern. Ms. Anthony asked if the CCNS had provided input about the erosion of the dune around the property and she also provided a correction that part of the road coming off North Pamet Road previously referred to as the "driveway" is Higgins Hollow Road which is a public way. Ms. Anthony's concern is the 400% increase in the size of the proposed structure from the original cottage built by the Sweeney family. Ms. Peretz responded to Ms. Anthony's concern by providing a historical account of the property and her working with the CCNS to ensure compliance with CCNS regulations. Chair Greenbaum thanked Ms. Peretz and confirmed with Ms. Anthony that her concern is how does the Planning Board know that a permittee is doing what they are permitted to do. Chair Greenbaum assured her that the Building Inspector ensures that a permittee is doing what they are permitted to do before a Certificate of Occupancy will be issued and that structure must be what was permitted. Chair Greenbaum also noted that during the last five years, the Town now has a house size bylaw in the Seashore District and previously it was CCNS guidelines. Chair Greenbaum thanked Ms. Anthony and told her that she is welcome to the next hearing, and she may email any other concerns or questions to the Planning Board and the Interim Town Planner and Counsel Carboni. Vice Chair Sollog commented that the original home was built in 1991 and already must be moved so he suggested a slab may be more appropriate than a foundation to accommodate a future relocation of a home. Member Riemer thanked those who participated in this evening's hearing and pointed out the Town's responsibility to preserve the natural features and rural character of the Town inside the CCNS. Additionally, Member Riemer further stated that while he was on the site visit, he observed a carpet of broom crowberry along the footprint of the proposed structure and that the broom crowberry was identified by the Center for Coastal Studies as a species of special concern on the Commonwealth's rare plant list. Member Riemer stated that the Planning Board should set a 5' setback from the carpet of broom crowberry as a condition to protect it from the construction of the new structure. Member Riemer further stated that this would be a reasonable condition for approval. Member Kiernan recommended that Mr. Zehnder get someone to the property and mark all broom crowberry on the site plan as it can only be found in three places in the world: southern New Jersey, the end of Long Island, and Truro. Mr. Zehnder opined that this would fall under the National Endangered Special Act (NESA) or the Massachusetts Endangered Species Act (MESA) and he further stated that the engineers would have to submit a "take or no take" letter to the Commonwealth under the MESA provision and this condition proposed by Member Kiernan is beyond the Planning Board's authority and expertise. Interim Town Planner and Counsel Carboni opined that the Planning Board can request this information from Mr. Zehnder under the Site Plan Review process. Member Kiernan stated that he would be uncomfortable with an approval of this application if a "take" letter was submitted to the Commonwealth, so he offered a condition to approve only if a "no take" letter was submitted. Chair Greenbaum asked Mr. Zehnder if such a letter had been submitted yet to the Commonwealth and he stated that he would have to check on that and he would also request a review of the area to be disturbed as well. Mr. Zehnder recapped the items which were due to the Planning Board before the next meeting: a revised site plan which shows the new site of the dwelling along with all new calculations for height, scale off the area below the dune and provide new lot area above the dune area along with allowable square footage and will be included with the stamped plan. Chair Greenbaum thanked Mr. Zehnder. Vice Chair Sollog stated that he would be reluctant to approve an application that exceeded the Town's height bylaw and Mr. Zehnder stated that the height was exceeded by 1/10th of a foot but that may be reduced now that there will be a 10' setback instead of a 5' setback. Chair Greenbaum expressed a concern about the lighting, and she wanted to make sure that the tier and pathway lighting will not disturb the "Night Sky". Chair Greenbaum noted that she had not seen a

lighting plan and Mr. Zehnder said that down lights specification and technical data was provided. Chair Greenbaum recognized Amy Wolff, of 97 North Pamet Road, who said that she is a neighbor. Ms. Wolff is curious if the size of the new building exceeds the CCNS guidelines considering the sensitivity of the environment. Ms. Wolff said that there was a lot of construction on the property over the years and she also appreciated the considerations that Ms. Peretz has made. Chair Greenbaum thanked Ms. Wolff and asked for a motion to continue the hearing until January 20, 2021.

Vice Chair Sollog made a motion to continue the hearing in this matter to January 20, 2021.

Member Boleyn 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

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 Subdivision of Land with respect to property at 23 Perry Road, Truro, MA, Map 45, Parcel 131. Chair Greenbaum stated that the applicant has requested a continuance, via email, to January 20, 2021. Truro Office Assistant Sturdy stated that she had received an extension agreement from Mr. Zehnder before tonight's meeting to continue the hearing until February 3, 2021. Chair Greenbaum asked for a motion to continue the hearing to January 20, 2021.

Member Herridge made a motion to continue the hearing in this matter to January 20, 2021.

Member Boleyn seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum thanked the Members and moved on to the Nickerson matter.

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 asked for input from the Members and Member Kiernan asked that in the Planning Board's decision include under "Findings" that the Planning Board noted that, at the time of the subdivision approval, the Planning Board determined that due to the narrow width of Hughes Road (at 23' wide) was also a factor in this decision. Interim Town Planner and Counsel Carboni added this amended finding in the decision document and Chair Greenbaum asked for a motion to approve the decision as amended.

Member Kiernan made a motion to accept the decision in this matter as amended.

Member Herridge seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum thanked the Members and noted that this meeting had approached 2 hours and 48 minutes in length. Chair Greenbaum then suggested that the Planning Board address the Growth Management Bylaw, that will expire later this year, at the Board's January 13, 2021, workshop and this was agreed upon with no objection. Chair Greenbaum asked Members if they had received the Housing

Data Packet and Members replied in the affirmative. Chair Greenbaum stated that this is the beginning of collecting of three pieces of data to start a substantive conversation about housing. The first piece of data addressed what housing, by characteristics, was available according to the assessor's data base on December 20, 2020. The second piece of information was the Housing Production Plan which is the blueprint set of thoughts about how to improve the Town's stock of affordable housing only and not elderly housing or workforce housing. Interim Town Planner and Counsel Carboni clarified all 39 units in the Cloverleaf project, if approved, would count as SHI and fulfill several boxes on the Housing Production Plan. The third criteria would be the condominium associations approved for year-round use and how many been units have been approved for year-round use by the Select Board.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni for a Cloverleaf update. Interim Town Planner and Counsel Carboni said that the last meeting was continued until January 7, 2021. At the last ZBA meeting, the ZBA granted waiver of Article 14 of the Board of Health Regulations for the project. The ZBA also reviewed about half of the draft decision that was prepared and the ZBA will review the remainder of the draft decision at tomorrow evening's meeting. Chair Greenbaum asked Interim Town Planner and Counsel Carboni about Mr. Malone's (the Cloverleaf applicant) request to the ZBA that he needed to change the allocation of units by income level. Interim Town Planner and Counsel Carboni replied that the ZBA chair asked Mr. Malone to come back to the next meeting with an explanation as to why this changed and that this should be addressed at tomorrow evening's meeting.

Chair Greenbaum commented that the Members would have a work session next Wednesday with Habitat for Humanity and that Members should expect a PowerPoint from Habitat for Humanity in advance of the work session.

Chair Greenbaum asked for a motion to adjourn the meeting.

Member Herridge made a motion to adjourn at 8:02 pm.

Member Boleyn seconded the motion.

So voted, 6-0, motion carries.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alexander O. Powers", with a stylized flourish at the end.

Alexander O. Powers

Board/Committee/Commission Support Staff



TOWN OF TRURO

PLANNING BOARD

Meeting Minutes

January 13, 2021 – 5:00 pm

REMOTE PLANNING BOARD WORK SESSION

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

Members Absent: One open membership on the Board

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Beth Wade – Habitat for Humanity; Wendy Cullinan – Habitat for Humanity

Remote meeting convened at 5:00 pm, Wednesday, January 13, 2021, 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, was opened by Chair Greenbaum and there were none.

Work Session

Chair Greenbaum opened the discussion with a warm welcome to Ms. Wade and Ms. Cullinan from Habitat for Humanity of Cape Cod (HHCC). Chair Greenbaum provided a summary of her first meeting with Ms. Wade about a month ago. Chair Greenbaum hoped that the Members as well as the public would have a better understanding of what might be possible in Truro, what would it take, and who it would serve. Chair Greenbaum also stated that this would not be a discussion on 181 Route 6, Truro, MA which is an ongoing issue. Chair Greenbaum noted that HHCC had a prepared PowerPoint presentation and asked Ms. Cullinan to present for the next hour.

Ms. Cullinan introduced herself as the Executive Director of HHCC since January 2019 and highlighted her extensive career in the non-profit arena prior to the assumption of her current role. Ms. Cullinan shared her screen and provided the historical origination of Habitat for Humanity International (HHI), a Christian-based organization, was started in 1976. Ms. Cullinan stated that HHCC, since 1988, has provided 153 homes on Cape Cod and she further added that there was at least one HHCC home in each town. Ms. Cullinan also said that HHCC now builds 10-12 homes annually. In 2012, HHI allowed local affiliates to work with the USDA and offer low-rate mortgages to client families. HHCC opened its first ReStore, in 2012, in South Yarmouth and opened its second ReStore in Falmouth in 2018. In December 2019, HHCC was able to place seven client families into a seven single-story family home cul-de-sac community in Brewster, MA prior to the holidays which was a wonderful achievement. Ms. Cullinan reviewed the financial eligibility for who qualified for a HHCC home which consisted of 65% of median income, the client family's need, the client family's proof of reliable income, the client family's

commitment to 250 hours (per adult) of “sweat equity” to build their home, and finally, qualified finalists enter a lottery based upon available home inventory. Ms. Cullinan stated that over 65 families applied for the seven homes in Brewster, MA. Ms. Cullinan commented that for most of the families it is the first time that the children will live in a house and not in an apartment. Ms. Cullinan introduced a successful client in Truro who refused a \$.50/hour pay raise so she wouldn’t lose a daycare benefit. Ms. Cullinan added that this client now who owns a HHCC home, owns two businesses and is on the Board of Directors at HHCC. Ms. Cullinan reviewed the donors and volunteers for HHCC and stated the important roles they played. Ms. Cullinan then asked if the Members had any questions and Member Kiernan asked a question about a client in North Truro which Ms. Cullinan answered. Member Riemer asked if there were several home design options from which clients may choose and Ms. Cullinan said that there were, but the design depended upon the number of bedrooms required, the buildable lot size, and the layout of the lot size. The price of an average home and land is \$150K and the monthly mortgage is \$750-\$850 per month which significantly changes the clients’ lives. Chair Greenbaum asked Ms. Cullinan about reselling restrictions and Ms. Cullinan explained that there is a rider on the deed that the home must be sold as “an affordable home” and that it needs to go through a housing authority. Ms. Wade added that she would be happy to share examples of the HHCC’s riders so Members may review them and see exactly how they are structured. Chair Greenbaum thanked Ms. Wade and asked her to start her presentation.

Ms. Wade began her presentation by sharing her screen and introduced herself. Ms. Wade grew up in a commercial fishing family from Chatham, MA. For over twenty-eight years, in Massachusetts and Maine, Ms. Wade worked in real estate and for several regional land trusts. Ms. Wade has also served on various boards to assist families progress from homelessness to home ownership on Cape Cod. Ms. Wade reviewed the land acquisition and permitting process which HHCC executes. Ms. Wade covered the background for this process, how the HHCC identified parcels for development (MLS, For Sale by Owner, Realtor® partners, donated property by friends of HHCC, and town partners such as planners, Community Development, Housing Trust, Housing Authority, and Affordable Housing Committee), conducted feasibility studies (a review of maps, deeds, GIS, a site visit with Director of Construction, Land Strategy Group member(s), Realtor® partners, and confer with Permitting and Conveyance attorneys. Later there would be more in-depth feasibility studies with engineering, land title, Title V evaluation, preliminary concept plan(s), appraisal (if necessary), continue discussion with Permitting & Conveyance attorneys and Town partners, and the submission of a final acquisition report to the Land Strategy Group and Executive Committee. At this point, Chair Greenbaum asked Ms. Wade, due to time constraints, to discuss unintended obstacles to affordable housing such as lack of municipal education and unnecessary conditions instead of covering the permitting process that can be provided at another meeting. Ms. Wade encouraged Members to educate themselves on the various opportunities to discover available lots which could provide affordable housing in Truro. Member Riemer asked how the LIP and the LAU work between a municipality and HHCC. Ms. Wade replied that these were different processes regarding Department of Housing and Community Development (DHCD). Local Action Units (LAUs) is the application process that is utilized with the Planning Board’s special permit process after the permitting takes place. The Local Initiative Program (LIP) is a more extensive process with an application signed by the Select Board and housing authority submitted to the DHCD for a site visit and development of the property. The approved properties by DHCD are then placed on the town’s Subsidized Housing Inventory (SHI) and must be updated annually for the renewal of the Certificate of Occupancy (CO). Member Riemer stated that Truro has a multi-unit bylaw and asked if someone added a second-floor unit to his/her existing single-story home could they get approval with a LAU. Ms. Wade said that she was not familiar enough with Truro’s bylaws and couldn’t answer that specific question. Chair Greenbaum asked if HHCC had townhomes in Orleans and Ms. Wade stated that they had them in

Orleans and would likely build semi-attached townhomes in the future. Chair Greenbaum then asked Ms. Wade if the HHCC rehabilitated existing homes and Ms. Wade stated that they did not. Ms. Cullinan added that HHCC built quality homes as illustrated by the fact that of the 153 built homes all but five were still owned which indicates that these homes become are lifelong dwellings for the families. Ms. Cullinan also stated that the HHCC homes are now equipped with solar power panels, non-combustible heat pumps, and are Leadership in Energy and Environmental Design (LEED) certified. Ms. Cullinan commented that one of the priorities for her was the acceptance of the client families by the local community, and as such, she cited a lot in Sandwich that was offered to HHCC for sale in a beautiful subdivision of \$1M+ homes but in the end HHCC turned down the offer as the organization recognized that the family would not be welcomed. Chair Greenbaum asked Members if they had any other questions and Member Kiernan stated that Truro has a unique situation with wells and Title V requirements. Member Kiernan noted that one of his neighbor's just spent \$1M on a simple home with an additional cost of \$750,000 for renovations so it is a very costly community to live in. Member Kiernan asked for an estimate of the HHCC's desired cost per square foot for financing and Ms. Wade said it was a good question, but she didn't have the information now, but she will be providing the information to him and the Members. Member Kiernan noted that Truro had a low tax rate and asked how HHCC made a home affordable. Ms. Wade stated that there was a mechanism that made the home affordable, and it required coordination with the local assessor's office, so it was taxed accordingly at an affordable value. Ms. Wade added that HHCC targeted no more than 30% of income for the total cost of the home to include tax, mortgage, and any Homeowners Association fees. Chair Greenbaum thanked Ms. Cullinan and Ms. Wade for their time and information. Chair Greenbaum stated that they would coordinate a follow-up meeting.

Ms. Cullinan and Ms. Wade thanked the Members and left the meeting.

Chair Greenbaum opened the discussion on the Growth Management Bylaw, 40.6 (that expires on December 31, 2021), to determine if this bylaw should expire or be brought to a Town meeting for an extension. Chair Greenbaum asked Vice Chair Sollog if he could provide some historical information as to what led to the original approval of 40.6 and Vice Chair Sollog asked Member Kiernan to answer. Member Kiernan stated that in the 1990s there were 40-60 new buildings a year as the larger properties were easy to subdivide so the Planning Board saw the need to slow down the development in Truro. Member Kiernan noted that the Planning Board may want to consider how to proceed based upon the current situation as well as future development, but he added that the limitations of the bylaw were never met. Vice Chair Sollog thanked him and then Member Herridge suggested the decreasing the number of units instead of abolishing the bylaw. Chair Greenbaum then instructed the Members to review the entire bylaw by next week's meeting and asked Truro Office Assistant Sturdy to add the complete bylaw in the Members' packets.

Chair Greenbaum notified the Members that she and Member Kiernan had worked on the impact of the Residential District House Size Bylaw, and they would lead the discussion on this topic at the Planning Board's next work session in two weeks. Chair Greenbaum stated that she and Member Kiernan explored information from reviewing the building permits to determine what useful information could be obtained.

Chair Greenbaum announced that Rich Roberts had joined tonight's meeting and that she had a great conversation with him before this meeting. Mr. Roberts is a civil engineer and he had applied to join the Planning Board to fill the current vacancy. The Select Board will consider his candidacy for the Planning

Board during the Select Board's meeting on January 26, 2021, where he will be interviewed. Mr. Roberts stated that he looked forward to the Select Board meeting and left the meeting.

Chair Greenbaum stated that she had looked at the Housing Initiative data, in Truro, and specifically the number of condominiums provided by Emily Beebe that included the actual year-round units which have been approved in each condominium association. Member Kiernan stated that five condominium associations (Crow's Nest, Colonial Village, Sunrise Cottages, Sea Haven, and Sutton Place) are all former motels on Beach Point to make affordable housing and were in a velocity flood zone. When it came to Stone's Throw, Member Kiernan said that there were 28 units and 36 bedrooms. During the summer, Member Kiernan added that some of these condominiums were listed as a 1-bedroom but could sleep 6 guests. Vice Chair Sollog asked Member Kiernan if Stone's Throw had the same density per bedroom as the proposed Cloverleaf project and Member Kiernan replied in the affirmative. Vice Chair Sollog then asked Member Kiernan if Stone's Throw had water provided by the Town of Provincetown and Member Kiernan replied that he didn't know but he knew that the neighbors didn't have water provided by Provincetown. Vice Chair Sollog thanked Member Kiernan for the valuable information. Chair Greenbaum commented that she would invite Brian Boyle from the Town of Truro to attend an upcoming meeting to address the public water questions.

Chair Greenbaum then asked Interim Town Planner and Counsel Carboni to share her screen so the Members could review the definition of Subsidized Housing Inventory (SHI). Member Riemer reminded Members that there were limitations within the National Seashore District and the Truro Conservation Trust which reduced the amount of available land for affordable housing. Interim Town Planner and Counsel Carboni then showed the Housing Production Plan (HPP) and Chair Greenbaum reiterated that the HPP didn't address housing for the elderly, workforce housing, and seasonal housing. Member Riemer noted that the LIUs and LAUs were not captured on the HPP. Chair Greenbaum stated that if the Cloverleaf project moves forward there will be 39 units which will be counted towards the SHI as they are rental units. Chair Greenbaum further stated that there had been some discussion to move the Department of Public Works (DPW) and put affordable housing near Town Hall but there had been no further action. Chair Greenbaum asked the Members if they had any sense if there were any seniors who would want to downsize and stay in Truro. Member Riemer said that there was a survey done and Vice Chair Sollog confirmed that there had been one but could not remember the results. Chair Greenbaum asked Vice Chair Sollog to ask the Council on Aging (CoA) if they had the information.

Chair Greenbaum reviewed the agenda for the next meeting and reiterated that there were no site visits scheduled for next Tuesday. Chair Greenbaum asked for a motion to adjourn the meeting.

Member Riemer made a motion to adjourn at 6:40 pm.

Vice Chair Sollog 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

January 20, 2021 – 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 (joined after 2020-014/PB vote); Peter Herridge

Members Absent: One open membership on the Board

Other Participants: Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Adam Brailard – Attorney at Prince Lobel Tye LLP representing T-Mobile Northeast, LLC (Applicant)

Remote meeting convened at 5:05 pm, Wednesday, January 20, 2021, 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, was opened by Chair Greenbaum and she announced that the public hearings for 2020-006/SPR and 2020-011/PB were going to be continued so individuals who were on the line specifically for those hearings were welcome to stay or leave as they wished. There were no individuals who made public comments.

Public Hearing (Continued)

2020-014/PB – T-Mobile Northeast, LLC for property located at 344 Route 6 (Atlas Map 39, Parcel 172A). Applicant seeks a Special Permit under Section 40.5 of the Truro Zoning Bylaw to modify its existing antenna facility on the tower located at 344 Route 6 by replacing three (3) existing panel antennas with three (3) new panel antennas. The new antennas will be installed to be consistent with the original decision by the Planning Board. Chair Greenbaum welcomed Mr. Brailard who updated the Members with submitted written responses to the Members' concerns and questions from the last hearing. Mr. Brailard confirmed the protrusions and distances from the leg of the existing tower to where the antenna would be located under the proposal. Mr. Brailard stated that on the updated plans, submitted 1/11/2021, the proposed distance is 7'3" which is well below the maximum allowable distance of 20'. Additionally, Mr. Brailard confirmed that the applicant can provide photographs of the finished installation and will forward those photographs to Interim Town Planner and Counsel Carboni for the record. Mr. Brailard further stated that there was a condition to remove any replaced equipment, or abandoned materials, to include those owned by T-Mobile Northeast, LLC, or any other entity, would be disposed of properly by T-Mobile Northeast, LLC to the best of its ability in accordance

with the covenant requirement. Mr. Braillard did mention that the suspected abandoned equipment was not owned by T-Mobile Northeast, LLC but by Crown. Interim Town Planner and Counsel Carboni stated that those specifics could be written and submitted as a condition of approval. Member Kiernan thanked Interim Town Planner and Counsel Carboni for her work, and he further reiterated to Mr. Braillard the necessity of the proper grounding of equipment as the Truro Police Department recently experienced catastrophic loss of equipment due to improper grounding during a lightning strike. Mr. Braillard agreed in the affirmative. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to screen share to show her draft decision, dated January 6, 2021, to the attendees. Chair Greenbaum asked Mr. Braillard to confirm the following characteristics of the proposal as:

1. The replacement of three panel antennas with three like kind panel antennas.
2. The replacement of three remote radio units (RRU) with three like kind RRUs.
3. The replacement of six tower mounted amplifiers (TMA) with three like kind TMAs.
4. The replacement of two radio cabinets with two like kind radio cabinets currently installed at the base of the tower.

Mr. Braillard confirmed to Chair Greenbaum and the Members that these were the characteristics of the proposal. Interim Town Planner and Counsel Carboni briefly covered the applicant's requested waivers which she opined that these seemed unnecessary as they were replacement parts; however, Interim Town Planner and Counsel Carboni stated that there could be another motion to grant waivers under Section 40.5(B)(1-8) separately. Interim Town Planner and Counsel Carboni also offered to exclude the applicant from responsibility for the removal of equipment that did not belong to the applicant. Interim Town Planner and Counsel Carboni also opined that it was not necessary for the applicant to request Approval of Eligible Facilities Request (EFR) but since the applicant submitted it as part of its application the Planning Board may want consider it and reconfirmed that the distance of the proposed project is 7'3" and Chair Greenbaum asked Interim Town Planner and Counsel Carboni to change the language to less than 8'. Mr. Braillard stated that he had no objection to changed language. Interim Town Planner and Counsel Carboni then reviewed the conditions of the draft decision to include the removal of T-Mobile Northeast, LLC equipment only and Mr. Braillard had no objection. At this point, Chair Greenbaum asked the Members if they agreed with the reviewed conditions and there was unanimous concurrence. Member Kiernan asked that in the event of adverse findings that the applicant notify the Town of Truro Planning Board, the Director of the Department of Public Works (DPW), and the Building Inspector and this was added to the draft decision without objection. Chair Greenbaum also asked that the requested photographs be provided to the Planning Board at the conclusion of the installation. Member Riemer requested that a photographic report would satisfy the condition and Mr. Braillard had no objection. Chair Greenbaum and Member Kiernan discussed the reporting of adverse findings by the applicant's subcontractor and agreed that such findings would require the subcontractor (not the applicant) to communicate those findings to the applicant, the Town of Truro's Planning Board, the DPW, and the Building Inspector so it was added into the draft decision. Chair Greenbaum asked for a motion to close the public hearing in this matter.

Member Herridge made a motion to close this public hearing in the matter of 2020-014/PB.

Member Kiernan seconded the motion.

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

Chair Greenbaum then asked for a motion to grant the waivers requested by the applicant, grant approval of the EFR, grant a special permit under Section 40.5 of the bylaw, and to approve the decision as amended during the hearing.

Member Herridge made a motion to motion to grant the waivers requested by the applicant, grant approval of the EFR, grant a special permit under Section 40.5 of the bylaw, and to approve the decision as amended during the hearing.

Vice Chair Sollog seconded the motion.

So voted, 5-0, motion carries.

Chair Greenbaum thanked Mr. Brillard and Mr. Brillard thanked the Planning Board before he left the meeting.

Chair Greenbaum announced that Member Boleyn had joined and welcomed him to the meeting.

2020-006/SPR – Anne Labouisse Peretz; William T. Burdick and Richard C. Vanison, Trustees, Dune House Nominee Trust. for property located at 112 North Pamet Road, Truro, MA, (Atlas Map 48, Parcel 1). Applicants seek a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for demolition and removal of existing single-family dwelling in the Seashore Zoning District and the construction of a new smaller dwelling at a new location set back from the coastal bank. The existing dwelling is at risk of sudden destruction due to storm-driven coastal bank erosion in its current location. Chair Greenbaum asked Interim Town Planner and Counsel Carboni who informed the Planning Board that she had received a request for a continuance to February 3, 2021, from the applicant's attorney (Mr. Ben Zehnder) to gather additional information requested by the Members. Interim Town Planner and Counsel Carboni had no issue with the request, so a motion was made to move the hearing to February 3, 2021.

Member Herridge made a motion to continue this public hearing to February 3, 2021.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced the continuance of 2020-006/SPR to February 3, 2021 and opened the review of matter 2020-011/PB.

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 Subdivision of Land with respect to property at 23 Perry Road, Truro, MA, Map 45, Parcel 131. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to update the Members. Interim Town Planner and Counsel Carboni stated that she had also received a request from the applicant's attorney for a continuance in this matter until February 3, 2021, for a hearing and for the Planning Board's action on February 17, 2021. Chair Greenbaum asked Members for their concerns and Vice Chair Sollog stated that he felt that the application should be withdrawn and resubmitted when the applicant has all the documentation to proceed. Member Kiernan then asked Interim Town Planner and Counsel Carboni what would happen if the Planning Board didn't have a quorum on February 3, 2021, and she opined that the Planning Board could still act on the decision based upon the Rule of Necessity which allows the process to continue under extreme circumstances, yet the decision could be challenged. Member Kiernan then asked how the Planning Board could best protect itself and could the Planning Board grant an extension for 30-45 days and Interim Town Planner and Counsel Carboni stated that she was unsure if she could get the applicant's attorney to sign such as an agreement, but she could try. Member Kiernan stated that would be good. Chair Greenbaum and

Vice Chair Sollog discussed if the applicant should withdraw the application as it didn't appear to progress and there may be an additional continuance. Interim Town Planner and Counsel Carboni stated that municipalities in the Commonwealth of Massachusetts, effective December 1, 2020, no longer had the protection previously afforded for the advantage of tolling under the State of Emergency Act. As of December 1, 2020, municipal boards are obligated to hear and act upon petitions as they had prior to the State of Emergency Act; however, permits permitted, as of March 10, 2020, are still tolled. Chair Greenbaum asked for a motion for continuance in this matter.

Member Herridge made a motion to continue this matter until February 3, 2021.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Chair Greenbaum announced that the matter of 2020-011/PB was continued to February 3, 2021.

Chair Greenbaum then led the discussion on the 2021 Annual Town Meeting (ATM) for potential articles and town reports. The warrant closes on February 26, 2021. Chair Greenbaum stated that all the 2020 ATM postponed warrant articles will be automatically added to the 2021 warrant. Chair Greenbaum then stated that Zoning Bylaw 40.6 (Growth Management Bylaw) was set to expire on December 31, 2021, so the question for the Planning Board is to either decide to not let the bylaw expire or let it expire. As mentioned by Chair Greenbaum, the core of the bylaw (passed in 2006) stated that there shall not be more than 40 building permits authorized for new single-family units within any calendar year. Chair Greenbaum provided historical data for the building permits issued for new single-family units over the last four years:

- 2020 – 12 permits issued
- 2019 – 3 permits issued
- 2018 – 20 permits issued
- 2017 – 12 permits issued

Chair Greenbaum asked Members if they had anything to offer on this subject and Member Herridge suggested that the number of building permits be reduced to 10 building permits authorized for new single-family units within any calendar year. Member Riemer stated that there are potentially 500 condominium units which could be converted to single-family units so perhaps this should be slowed down. Vice Chair Sollog pointed out that the condominiums are existing and not new so there could be challenges to this. Vice Chair Sollog suggested that the Planning Board extend the Growth Management Bylaw as written and put the discussion of the condominium conversions on a future Planning Board agenda with the ability to reword the bylaw as necessary. Members discussed the importance of the preservation of the Town's water tables as well as Truro supplying Provincetown with its water supply. Chair Greenbaum opined that it would not be responsible to hastily solve this issue by the warrant closure deadline of February 26, 2021. Chair Greenbaum also offered two other solutions: 1. reduce the permits to 20 building permits in any calendar year or 2. not reduce the 40 building permits in any calendar year as the issued building permits historically are nowhere near the maximum number cited in the Growth Management Bylaw. Member Riemer noted that there is also a rollover process to the next year already in place and Chair Greenbaum also added that they rollover by month. Member Kiernan suggested that a reasonable argument that the Planning Board state at the ATM that the Planning Board wishes to extend the bylaw but limit new single-family units to 25 building permits in any calendar year based on infrastructure and water. Vice Chair Sollog suggested that rollover (or carryover) language be included but that should be discussed further at a public workshop. Chair Greenbaum suggested that

this could be discussed at next week's work session as she and Member Kiernan will be able to provide data about the impact of the Residential District Bylaw. Vice Chair Sollog stated that the Planning Board should aggressively protect Truro and that the density of Truro should be discussed at the ATM. Member Riemer noted that the Planning Board has not identified an area that could serve as a public water supply if it became necessary. Member Herridge stated that the National Seashore may not allow that, and Member Riemer replied that the National Seashore does not allow mining of resources within the National Seashore. Chair Greenbaum asked Interim Town Planner and Counsel Carboni if there has been any movement with the Water Resource Oversight Committee (WROC) and she reported that nothing new has occurred over the last several months. Chair Greenbaum asked Interim Town Planner and Counsel Carboni to communicate with the WROC the Planning Board's strong desire to collaborate on this very important subject as soon as possible and she agreed.

Chair Greenbaum asked Truro Office Assistant Sturdy to provide context regarding the late submissions to the Planning Board and Planning Board Agenda. Truro Office Assistant Sturdy sought guidance from the Members as to how to proceed with an increased number of late submissions and Interim Town Planner and Counsel Carboni opined that a reasonable and enforceable rule could change an applicant's behavior and reduce the number of late submissions. With input provided by Truro Office Assistant Sturdy, Chair Greenbaum stated that it would be reasonable that material and items for a hearing must be received no later than 4:00 pm on the Tuesday prior to the following week's Planning Board meeting with no exceptions. Member Kiernan suggested that all the Town's boards/committees/commissions adopt the same standard to ensure uniformity. Member Kiernan further stated that failure to comply to this requirement would result in an applicant's automatic extension, but Interim Town Planner and Counsel Carboni opined that the Planning Board can continue a matter or deny the application. Interim Town Planner and Counsel Carboni further added that she was not comfortable with the Planning Board denying an application due to a late submission. Interim Town Planner and Counsel Carboni added that it would be difficult to defend the Planning Board's decision a year later so she recommended a progressive discipline approach since it affected the Town and the residents. Interim Town Planner and Counsel Carboni further opined those applicants do have due process rights, but she will listen to the Members' discussion on this issue. Member Riemer noted that the Truro Planning Board's Handbook and Policies in Appendix 1 addresses Planning Board agenda policy and Appendix 2 addresses policies regarding continuances of hearings. Chair Greenbaum said that the Members must do something to reduce the late submissions and Member Riemer replied that there are policies already established and the Members should be consistent in the way that it is enforced. Chair Greenbaum stated that the current policy is not very clear and that the applicants are not following it. Member Kiernan offered that there must be distinction between what is required versus what the applicant wants to add extra to their submission. Interim Town Planner and Counsel Carboni said that she was not in agreement with the Members establishing policies to differentiate between the two. Member Herridge also noted that attorneys also submit late and last-minute continuance requests as late as the day of the Planning Board meetings. Chair Greenbaum commented on her frustration for late submissions, but Interim Town Planner and Counsel Carboni responded with that is what the Members have signed up for and there are cases of legitimate late continuance requests. Chair Greenbaum concluded this discussion by stating that she would email the Board of Health to see if they have a policy that works, and she would let the Members know.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni for a Cloverleaf update and Interim Town Planner and Counsel Carboni replied that the ZBA had voted to approve the Cloverleaf project with most of the waivers requested along with updated conditions pertaining to wastewater disposal and with a revised unit mix which were negotiated during the ZBA meeting. At the Members' request,

Interim Town Planner and Counsel Carboni provided a detailed explanation of the unit mix: 20 of the units will be affordable to households earning up to 80% of AMI, and of those 20 units, 5 of them will be affordable to households earning up to 30% of AMI. Additionally, 15 units of the remaining 20 units will be affordable to households up to 80% of AMI. There are 8 units at an affordability level between 80-120% of AMI and 6 of the units are determined to be market rate. The remaining units will be as determined by the subsidizing agency, and in this case, DHCD. Member Herridge asked if the wastewater waiver requested was approved and Interim Town Planner and Counsel Carboni said that the ZBA's vote was 5-0. Member Kiernan asked if the approval was available and Interim Town Planner and Counsel Carboni offered to circulate the draft decision to the Members only as it can still be edited. Vice Chair Sollog suggested that the draft decision circulation to the Planning Board be delayed until the ZBA signed off on it and Chair Greenbaum said that it was okay for her to distribute it as is.

Chair Greenbaum provided an update on the Housing Initiative and said that she and Member Kiernan are still collecting data. Chair Greenbaum asked the Members what type of colored maps would be useful to the Members and whatever decision is made the new Town Manager will have to approve the time set aside for the Assessor to create the map for the Planning Board.

Chair Greenbaum added the Growth Management Bylaw discussion as part of the upcoming workshop and she acknowledged that Member Riemer has contributed a document from Cambridge, Massachusetts for the Members to review.

Chair Greenbaum reviewed the agenda for the February 3, 2021, meeting and Truro Office Assistant Sturdy added that there is a new application for 40 Highland Road for a Site Plan Review that will also be on that agenda. Chair Greenbaum also announced the joint meeting with the Select Board next for Rich Roberts' interview for the vacancy on the Planning Board. Member Riemer commented that the Charter 6-2-1 stated that Planning Board minutes will be filed promptly with the Town Clerk and noted that there were no minutes to be reviewed for approval this evening. Chair Greenbaum said that she understood his concern, and she will check into solutions to get the Planning Board into compliance with the filing of minutes. Chair Greenbaum thanked Member Riemer for his input, and she then asked for a motion to adjourn the meeting.

Vice Chair Sollog made a motion to adjourn at 6:40 pm.

Member Kiernan seconded the motion.

So voted, 6-0, motion carries.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alexander O. Powers", written in a cursive style.

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 $\frac{3}{4}$ 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

	<u>PLANNING BOARD: Chair Anne Greenbaum</u>				
		<u>Type of Minutes</u>			
<u>PB Meeting for Review</u>	<u>Date</u>	<u>Regular</u>	<u>Length of Meeting</u>	<u>Work Session</u>	<u>Length of Meeting</u>
11/17/2021	10/28/2020			x	1hr 32min
11/17/2021	11/4/2020	x	2 hrs 5min		
11/17/2021	11/18/2020	x	1hr 59min		
11/17/2021	12/2/2020	x	1hr 29min		
11/17/2021	12/16/2020	x	2hr 52min		
11/17/2021	1/6/2021	x	3hr 2min		
11/17/2021	1/13/2021			x	1hr 39min
11/17/2021	1/20/2021	x	1hr 58min		
	1/27/2021			x	1hr 31min
	2/3/2021	x	1hr 45min		
	2/10/2021			x	1hr 43min
	2/17/2021	x	1hr 38min		
	3/10/2021	x	5hr 3min		
	3/24/2021	x	1hr 25min		
	4/7/2021	x	2hr 3min		
	4/21/2021	x	2hr 54min		
	5/5/2021	x	59 min		
	5/12/2021			x	1hr 33min
	5/19/2021	x	2hr 28min		
	5/26/2021	x	1hr 23min		
	6/2/2021			x	1hr 48min
	6/9/2021	x	1hr 18min		
	6/16/2021			x	1hr 24min
	6/23/2021	x	2hr 55min		
	7/7/2021	x	1hr 55min		
	7/14/2021			x	1hr 14min
	7/21/2021	x	1hr 5min		
	8/4/2021			x	1hr 23 min
11/17/2021	9/22/2021	x	1hr 12 min		
11/17/2021	9/29/2021			x	1hr 14min
	10/13/2021				
	10/20/2021				
	11/3/2021				
	11/17/2021				

Open Meeting Law Guide and Educational Materials



COMMONWEALTH OF MASSACHUSETTS
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Attorney General encourages public bodies to allow as much public participation as time permits.

Any member of the public may make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The chair is required to inform other attendees of any such recording at the beginning of the meeting. If someone arrives after the meeting has begun and wishes to record a meeting, that person should attempt to notify the chair prior to beginning recording, ideally in a manner that does not significantly disrupt the meeting in progress (such as passing a note for the chair to the board administrator or secretary). The chair should endeavor to acknowledge such attempts at notification and announce the fact of any recording to those in attendance.

Minutes

What records of public meetings must be kept?

Public bodies are required to create and maintain accurate minutes of all meetings, including executive sessions. The minutes, which must be created and approved in a timely manner, must include:

- the date, time and place of the meeting;
- the members present or absent;
- the decisions made and actions taken, including a record of all votes;
- a summary of the discussions on each subject;
- a list of all documents and exhibits used at the meeting; and
- the name of any member who participated in the meeting remotely.

While the minutes must include a summary of the discussions on each subject, a transcript is not required. No vote taken by a public body, either in an open or in an executive session, shall be by secret ballot. All votes taken in executive session must be by roll call and the results recorded in the minutes. While public bodies must identify in the minutes all documents and exhibits used at a meeting and must retain them in accordance with the Secretary of the Commonwealth's records retention schedule, these documents and exhibits needn't be attached to or physically stored with the minutes.

Minutes, and all documents and exhibits used, are public records and a part of the official record of the meeting. Records may be subject to disclosure under either the Open Meeting Law or Public Records Law. The State and Municipal Record Retention Schedules are available through the Secretary of the Commonwealth's website at:
<http://www.sec.state.ma.us/arc/arcrmu/rmuidx.htm>.

Open Session Meeting Records

The Open Meeting Law requires public bodies to create and approve minutes in a timely manner. A “timely manner” is considered to be within the next three public body meetings or 30 days from the date of the meeting, whichever is later, unless the public body can show good cause for further delay. The Attorney General encourages minutes to be approved at a public body’s next meeting whenever possible. The law requires that existing minutes be made available to the public within ten days of a request, whether they have been approved or remain in draft form. Materials or other exhibits used by the public body in an open meeting must also be made available to the public within ten days of a request.

There are two exemptions to the open session records disclosure requirement: 1) materials (other than those that were created by members of the public body for the purpose of the evaluation) used in a performance evaluation of an individual bearing on his professional competence, and 2) materials (other than any résumé submitted by an applicant, which is subject to disclosure) used in deliberations about employment or appointment of individuals, including applications and supporting materials. Documents created by members of the public body for the purpose of performing an evaluation are subject to disclosure. This applies to both individual evaluations and evaluation compilations, provided the documents were created by members of the public body for the purpose of the evaluation.

Executive Session Meeting Records

Public bodies are not required to disclose the minutes, notes, or other materials used in an executive session if the disclosure of these records may defeat the lawful purposes of the executive session. Once disclosure would no longer defeat the purposes of the executive session, however, minutes and other records from that executive session must be disclosed unless they fall within an exemption to the Public Records Law, G.L. c. 4, § 7, cl. 26, or the attorney-client privilege applies. Public bodies are also required to periodically review their executive session minutes to determine whether continued non-disclosure is warranted. These determinations must be included in the minutes of the body’s next meeting.

A public body must respond to a request to inspect or copy executive session minutes within ten days of the request. If the public body has determined, prior to the request, that the requested executive session minutes may be released, it must make those minutes available to the requestor at that time. If the body previously determined that executive session minutes should remain confidential because publication would defeat the lawful purposes of the executive session, it should respond by stating the reason the minutes continue to be withheld. And if, at the time of a request, the public body has not conducted a review of the minutes to determine whether continued nondisclosure is warranted, the body must perform such a review and release the minutes, if appropriate, no later than its next meeting or within 30 days, whichever occurs first. In such circumstances, the body should still respond to the request within ten days, notifying the requestor that it is conducting this review.