



# Truro Planning Board Agenda

## Remote Meeting

Wednesday, December 15, 2021 – 5:00 pm

[www.truro-ma.gov](http://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](http://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 [985-661-941#](tel:985-661-941#) 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 Barbara Carboni, Town Planner and Land Use Counsel, at [bcarboni@truro-ma.gov](mailto:bcarboni@truro-ma.gov).

Meeting link: <https://global.gotomeeting.com/join/985661941>

### Public Comment Period

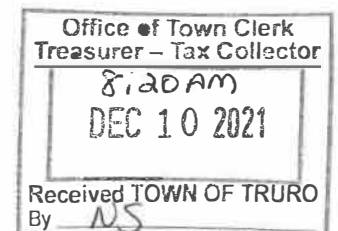
The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda. Speakers are limited to no more than 5 minutes.

### Minutes

- |                     |                     |                      |
|---------------------|---------------------|----------------------|
| ♦ January 6, 2021   | ♦ February 17, 2021 | ♦ July 14, 2021      |
| ♦ January 13, 2021  | ♦ April 21, 2021    | ♦ July 21, 2021      |
| ♦ January 20, 2021  | ♦ May 5, 2021       | ♦ September 22, 2021 |
| ♦ January 27, 2021  | ♦ May 12, 2021      | ♦ September 29, 2021 |
| ♦ February 3, 2021  | ♦ May 19, 2021      | ♦ October 13, 2021   |
| ♦ February 10, 2021 | ♦ July 7, 2021      | ♦ October 20, 2021   |

Next Meeting – Wednesday, January 5, 2022 at 5:00 pm

### Adjourn







# 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 1/10<sup>th</sup> 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

January 27, 2021 – 2:30 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; Rich Roberts

**Members Absent:** One open membership on the Board

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Fred Gaechter – Member of the Climate Action Committee (CAC)

Remote meeting convened at 2:32 pm, Wednesday, January 27, 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.

Chair Greenbaum welcomed Rich Roberts as the newest Member of the Planning Board and noted that he was not yet sworn in, but he was able to attend this meeting as it was a work session only. Chair Greenbaum then asked Members to introduce themselves. Member Roberts expressed his appreciation to the Members and looked forward to working with them. Chair Greenbaum commented that the other Members were available to assist Member Roberts in anyway.

### **Public Comment Period**

Public comment, for things not on the agenda, was opened by Chair Greenbaum and there were no individuals who made public comments.

### **Work Session**

Chair Greenbaum opened the joint meeting with Members and Mr. Gaechter of the CAC. Chair Greenbaum gave a brief overview as to the necessity of the joint sessions between the Planning Board, represented by Member Riemer, and the CAC, represented by Mr. Gaechter. Mr. Gaechter introduced himself to Member Roberts and noted his public service to the Town of Truro as a former Member of the Select Board, and current President of the Truro Conservation Trust (TCT). Additionally, Mr. Gaechter serves on the CAC and on the Walsh Property Committee. Mr. Gaechter stated that he had seen Member Roberts' interview last night and he was impressed. Mr. Gaechter further told Member Roberts that he was glad to see Member Roberts serve the community and that he looked forward to Member Roberts' participation. Member Roberts thanked Mr. Gaechter.

Mr. Gaechter provided a summary as to how the Planning Board and CAC joined forces to deal with environmental and climate change issues. The TCT had recently purchased a couple of pieces of property on Laura's Way overlooking Pilgrim Pond when a buyer purchased 10 Laura's Way and clear-cut the property prior to new home construction which was an embarrassment. Mr. Gaechter advised the CAC to develop a rule or regulation that would inhibit the removal of trees, or bushes, from an environmental perspective or climate change perspective. The CAC agreed to take this on as a project and contacted the Planning Board to collaborate and bring progress to each committee. Mr. Gaechter stated that the TCT has an internal policy that the TCT does easement trimming on its trees when abutters ask for clearing trees which have matured. In the event of a tree removal to improve an abutter's view, the TCT required a similar tree be provided by the abutter for planting on the TCT property. Mr. Gaechter pointed out that small plants (such as mushrooms) along with trees and bushes are critical for carbon sequestration. Mr. Gaechter suggested that it would be helpful to enlist an arborist to participate in an advisory capacity for regulation creation. In addition to construction, Mr. Gaechter also opined that water views are very significant to residents' property values so clear-cutting is common year-round and proper irrigation for plant survival are areas which the Planning Board and CAC may want to address through regulation or bylaw. Mr. Gaechter turned over the discussion to Member Riemer who thanked him. Member Riemer recognized that the clear-cutting on Laura's Way but also added that there was an earlier significant incident that occurred previously several years earlier in Truro. The environmental incident was at a primitive campground area, known as the Adventure Bound site, and is currently under litigation with a "stop work" order. Member Riemer commented that this issue occurred at residential lots but at commercial lots as well. Member Riemer further added that the Planning Board and CAC should also consider setbacks and he has reviewed five Truro bylaws which identify the value of natural ground cover. Chair Greenbaum thanked Mr. Gaechter and Member Riemer for their input and then asked Members for the general reactions to what was stated. Member Kiernan told Member Roberts that he has been involved with the Planning Board on and off since 1992. Member Kiernan pointed out that the bylaw has a definition for "lot coverage" but it has not been used. Member Kiernan added that the bylaw does have a requirement that nothing be built within 25' of the lot line and that may be a place to start. Member Kiernan recommended that language that may be acceptable at the upcoming ATM may state that "within the lot line setback the natural environment shall be preserved." Member Kiernan stated that would make it very clear that clear-cutting was not permitted.

Chair Greenbaum noted that the Planning Board only does Site Plan Reviews only in the Seashore District and not in the Residential District. Chair Greenbaum added that the language that Member Kiernan recommended is one concept and wanted to hear from other Members. Chair Greenbaum called on Member Herridge for his input and he stated that he had no comment. Chair Greenbaum then asked Members if there should be a requirement of a minimum percentage of ground cover on a lot such as to prevent "Greenwich, Connecticut lawns". Vice Chair Sollog commented that he didn't have a path forward now, but he would have a problem if he bought an empty \$100,000 lot in Truro and then was told that he couldn't do what he wanted with the lot. Vice Chair Sollog said he fully supported that it was time to keep Truro beautiful and that lawn regulations would be difficult to achieve. Vice Chair Sollog further added that residents should be persuaded to do the right thing with literature and education during the Truro building permit application process. Mr. Gaechter noted that in his neighborhood, that is governed by a covenant, the residents who purchase property there are grateful for the protection of the environment and it is a positive reason why they purchase. Mr. Gaechter opined that there are ways of convincing people that protecting the local environment around them benefits them because it increases their property values, and it increases their experiences living in Truro. Mr. Gaechter said that he is not as pessimistic as others and that the solution may be both



voluntary and regulatory. Member Riemer thanked Mr. Gaechter and Vice Chair Sollog for their comments and added that any proposals should be well thought out and a clear stated purpose. Member Kiernan asked Interim Town Planner and Counsel Carboni if she knew a way to prevent clear-cutting and Interim Town Planner and Counsel Carboni said that she didn't have a legal answer beyond current regulations. Interim Town Planner and Counsel Carboni opined that this may be more a situation of culture within Truro and what the residents may express at the ATM. Member Kiernan noted that there is not a lot of forest remaining in Truro, so he suggested exploring what other Cape towns have done successfully in eliminating or reducing clear-cutting. Mr. Gaechter said that he had checked with the Cape Cod Commission (CCC) that also provided him with a model bylaw that addressed this issue. Mr. Gaechter added that not one Cape town had passed a bylaw which prohibited clear-cutting. Chair Greenbaum stated that the key may be in restricting clear-cutting in the setbacks and Member Riemer pointed out that education to maintain the preservation of the natural habitat. Member Riemer suggested proposing a general bylaw at the next ATM as only a majority is required to approve. Next steps for Mr. Gaechter and Member Riemer were discussed and Mr. Gaechter asked for what the general bylaw would be. Chair Greenbaum also suggested that the Planning Board could look at its current bylaws to see if the Planning Board could amend a current bylaw. Mr. Gaechter asked what enforcement tools were available to pursue violators of bylaws and Interim Town Planner and Counsel Carboni stated that citations would go through District Court and other complaints would go through Land Court. Chair Greenbaum suggested that regulations may be a way to raise this issue and encourage Truro residents to maintain a natural buffer within the setbacks. Presenting this at ATM, Chair Greenbaum opined, may also be a good way to measure public support and then determine if a bylaw later would be supported by the residents. Member Kiernan also suggested utilizing the Building Inspector and the Conservation Commission in this process. Chair Greenbaum said speaking with the Building Inspector would determine if this would be feasible and Vice Chair Sollog stated that he would support a handout encouraging the preservation of the natural environment within the setbacks be distributed to the applicant at the time of applying for a building permit. Chair Greenbaum said that she and Mr. Gaechter would review their notes and determine the steps forward for Mr. Gaechter and Member Riemer. The Members thanked Mr. Gaechter and he left the meeting.

Chair Greenbaum then opened the discussion of the Growth Management Bylaw (40.6) that expires on December 31, 2021. The bylaw limits the permits for 40 single-family houses in any calendar year with carryover to the next 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

Member Herridge suggested that reducing the permits from 40 to 20. Member Kiernan stated that he didn't want the bylaw to expire. Member Riemer stated that the cap is necessary to ensure the rural character of Truro and preservation of natural resources. Member Riemer and Member Herridge both suggested that condominium conversions should be addressed as well. Member Roberts said he favored the reduction of building permits and the removal of the carryover provision. Chair Greenbaum stated that there was unanimous support of Member Roberts' suggestion by the other Members and further noted that the current bylaw limited building permits to a maximum of six (6) per month. Chair Greenbaum asked if any Members were aware of how the monthly limit was determined and Member

Roberts suggested that it may be what Town Hall could manage. Chair Greenbaum said it may be more of an equity thing based upon the time of year that a buyer buys a vacant lot. Member Kiernan would like to gather the data of monthly building permits from 2015 to the present so the Planning Board could review the information. Member Roberts suggested that it is more important to focus on an annual number versus the monthly number. Member Riemer said that previously the Planning Board would receive a monthly printout of building permits issued by the Town of Truro and Chair Greenbaum said that she would coordinate for this information starting this month. Chair Greenbaum summarized the Planning Board's collective agreement towards Bylaw 40.6 this evening:

- Await the building permit data to be collected by Member Kiernan and reviewed by Members
- Reduce the number of building permits by half
- Remove the carryover provision
- Not touch the number of building permit applications by month

Chair Greenbaum emphasized the need for public input as well as the inclusion of local contractor input. Member Kiernan opined that if contractors supported the changes, it would be well received by the public. Chair Greenbaum then reviewed the list of Truro contractors with additions made by Members. Interim Town Planner and Counsel Carboni asked if attorneys should be included as eventually attorneys do get involved. Chair Greenbaum said that "maybe" attorneys could be added, and Member Kiernan suggested the addition of several realtors. Chair Greenbaum noted that realtors could be a "maybe".

Chair Greenbaum then opened the discussion on the Report of the Impact of the Residential District House Size Bylaw. Chair Greenbaum noted that in the Members' packets were the information that Planning Board could use and a copy of the Chilmark report two years after Chilmark passed a similar bylaw. Chair Greenbaum noted that the one piece of information she and Member Kiernan could not obtain was total square footage. Chair Greenbaum noted that in the Residential District, between November 2017 to the present, there were no special permit applications to the ZBA for extra square footage. Members expressed their surprise at this information and Member Herridge opined that land in the Seashore District was more expensive and that may be the disparity. Chair Greenbaum stated that they can obtain the number of new single-family homes and the number of alterations for living spaces but didn't include installation of insulation or new roofs. Member Kiernan also looked at the cost of the building permit to assess the building project costs and examined what percentage of the project money stayed in Truro. Chair Greenbaum asked Members for their input and Member Riemer noted that any development had an impact on Truro's carbon footprint, and he wanted to link that issue to this discussion. Member Boleyn added that in addition to lengthening the process the answer that Member Riemer is seeking may not be determined at this point. Chair Greenbaum stated that she and Member Kiernan have their next steps and their assignment.

Chair Greenbaum once again welcomed Member Roberts. Chair Greenbaum reminded Member Kiernan that she and he needed to meet with Truro Office Assistant Sturdy this week to sign Member Roberts' appointment. Chair Greenbaum asked for a motion to adjourn.

**Member Boleyn made a motion to adjourn at 4:04 pm.**

**Member Kiernan seconded the motion.**

**So voted, 7-0, motion carries.**

All the Members warmly welcomed Member Roberts to the Planning Board before the Members left the meeting.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Alexander O. Powers". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Alexander O. Powers

Board/Committee/Commission Support Staff





# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

February 3, 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; Rich Roberts

**Members Absent:**

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Ben Zehnder – Attorney for Anne Peretz – Applicant and Cheryl (Perry) Costa - Applicant; Chris and Christine Dragon - Applicants

Remote meeting convened at 5:02 pm, Wednesday, February 3, 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 no individuals who made public comments. Chair Greenbaum acknowledged Chris Lucy of Glacier Drive in Truro. Mr. Lucy noted that he is frustrated and confusing as to what direction the Planning Board is pursuing specifically in the case of the Cloverleaf project and pursue those needs. Mr. Lucy further stated that the Planning Board seemed focused on all things other than affordable housing. Member Riemer offered a point of order, and he was recognized by Chair Greenbaum. Member Riemer noted that Planning Board is limited to those items that the public would like to see on the agenda and not for scolding. Member Kiernan then joined the meeting via telephone and was identified as Caller #3.

**Public Hearing (Continued)**

**2020-006/SPR – Anne Labouisse Peretz; William T. Burdick & 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 an existing single-family dwelling in the Seashore Zoning District and 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. Mr. Zehnder greeted the Members and requested a continuance to February 17, 2021 from the Planning Board as the applicant has hired a landscape designer to inventory the property to determine if there is indeed broom mulberry in any disturbed areas, and additionally, the architect has redesigned the home to bring it back from the boundary and the home's new height calculations will not exceed the Town's

bylaw. Chair Greenbaum asked the Members for any questions or concerns and there were none. Chair Greenbaum asked for a motion to continue this matter to February 17, 2021.

**Member Herridge made a motion to continue this matter to February 17, 2021.**

**Vice Chair Sollog seconded the motion.**

**So voted, 7-0, motion carries.**

Chair Greenbaum asked Mr. Zehnder to ensure that the new architectural plans be submitted as soon as possible, and Mr. Zehnder replied that those plans were completed but that he wanted to wait until the landscape design was done and submit as one completed packet. After a brief discussion, Mr. Zehnder agreed to submit the new architectural plan immediately so the Members could review it prior to the next meeting, and he will submit the landscape design as soon as it is completed.

Chair Greenbaum asked the Members if they would bring forward **2020-011/PB – Samantha Perry, Hillside Farm, LLC** ahead of the scheduled Public Hearing as Mr. Zehnder represented the applicant and this would allow him to leave this meeting and attend a ZBA meeting in Wellfleet, MA. There were no objections.

#### **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. Mr. Zehnder requested a continuance to February 17, 2021, and he is preparing a letter for his client to submit to Interim Town Planner and Counsel Carboni in the next several days. Interim Town Planner and Counsel Carboni had no objection. Chair Greenbaum asked for a motion to continue this matter to February 17, 2021.

**Member Boleyn made a motion to continue this matter to February 17, 2021.**

**Member Herridge seconded the motion.**

**So voted, 7-0, motion carries.**

Chair Greenbaum thanked Mr. Zehnder and he thanked the Members before he left the meeting.

Chair Greenbaum then opened the public hearing in the matter of 2021-001/SPR – Chris Dragon.

#### **Public Hearing**

**2021-001/SPR – Chris Dragon** for property located at 40 Highland Road, Truro, MA (Atlas Map 36, Parcel 172). Applicant seeks a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for renovation of an existing 1947 home on 3.06 acres: add a 10 x 10 mudroom and 24 x 24 garage in the Seashore Zoning District. Chair Greenbaum welcomed Chris and Christine Dragon (Applicants). Chair Greenbaum announced that the public hearing was open, will continue to the next Planning Board meeting, and that no decision would not be rendered tonight to give the public an opportunity to comment on the application as a matter of policy. Chair Greenbaum invited Mr. Dragon to provide a brief overview of the application request. Mr. Dragon stated that they are renovating the main house and some structural work in the basement to ensure the stability of the home as well as the construction of the garage which will have an upstairs bedroom. Interim Town Planner and Counsel

Carboni stated that there was no need for relief due to any nonconformities and there will be the installation of a new septic tank. Interim Town Planner and Counsel Carboni did ask that the applicants provide a signed and stamped plan prior to the next meeting. Mr. Dragon stated that they are managing this project themselves and has a contractor identified for the project. Chair Greenbaum and Interim Town Planner and Counsel Carboni assisted the applicants as to the required requirements which the applicants must submit to the Planning Board. Interim Town Planner and Counsel Carboni offered to assist the applicants through this process. Chair Greenbaum further clarified the Planning Board's expectations and Mr. Dragon agreed that he understood and was appreciative for the help. Chair Greenbaum asked Members if they had questions or concerns. Chair Greenbaum also noted that a Planning Board site visit had to be scheduled. Member Roberts noted that on the application there was reference to a deck but on the floor plan there is a sunroom. Mr. Dragon said that there will not be a sunroom as it was proposed but there will be a deck. Chair Greenbaum added that it is important for the applicant to provide accurate information to help move the applicant through the process. Chair Greenbaum added that there would be a site visit to the property on February 16, 2021, at 2:30 pm prior to the next Planning Board meeting. Member Rimer asked for a schedule of building materials to indicate shingles or clapboards and Mr. Dragon said that they were using shingles. Member Rimer also suggested that the Health Department may want to comment on the Areas of Critical Interest in the Weston & Sampson Report regarding the Integrated Water Resources Management Plan, Phase 1 as this project falls into this area. Mr. and Mrs. Dragon expressed concern about the Members' comments and wondered if the Planning Board was going to deny the application as this was not vacant land. Chair Greenbaum assured the applicants that the Planning Board was not attempting to derail the renovation project. The applicants did ask for clarification as to what was required for the site visit and Chair Greenbaum addressed those questions. Chair Greenbaum asked the applicants to submit the new architectural plan prior to the site visit and that plan could be included in the packet for the next meeting. Chair Greenbaum also noted that the applicants had indicated in the application their desire to recreate a 1947-era home, and in the future, make the home their permanent home. The applicants thanked the Members for their efforts. Chair Greenbaum asked for a motion to continue this matter to February 17, 2021.

**Member Boleyn made a motion to continue this matter to February 17, 2021.**

**Member Herridge seconded the motion.**

**So voted, 7-0, motion carries.**

Mr. and Mrs. Dragon thanked the Members and left the meeting.

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

Chair Greenbaum then led the discussion on the potential 2021 Annual Town Meeting (ATM) articles. The Members reviewed the Growth Management Bylaw and the recommendations that were made at the last work session to include the reduction of single-family home permits from 40 to 20 in any calendar year with no carryover to the following year. Member Kiernan stated that the reduction would not adversely affect local builders at all, yet Member Kiernan further suggested that there should be a public hearing to get the public's input on these internal Planning Board recommendations before any final decision is made. Chair Greenbaum noted that it would be best to have a hearing sooner and suggested a hearing within the next two weeks. Chair Greenbaum added that local builders, unable to attend the hearing, could still provide input via email. Member Boleyn and Member Herridge agreed that the public hearing was essential before a decision was made. Truro Office Assistant Sturdy noted that it may be better to push it out beyond two weeks as it may be too late to put a notice in local

newspapers including The Banner. Interim Town Planner and Counsel Carboni noted that anything less than two weeks public notification ahead of a public hearing was not in accordance with 40A Section 5. Chair Greenbaum then asked for Members' input for a public hearing on February 24, 2021, at 5:00 pm. Vice Chair Sollog commented that if an existing bylaw is recommended for further limitations by the Planning Board, Members must be prepared to provide the Planning Board's motives, intent, and the desired outcome of the added limitations to the bylaw. Vice Chair Sollog added that the Members should discuss this openly ahead of the public hearing on February 24, 2021. Chair Greenbaum said that was a great suggestion and will be discussed at next week's Planning Board work session. Chair Greenbaum instructed Interim Town Planner and Counsel Carboni and Truro Office Assistant Sturdy to prepare and send out the public notification.

Chair Greenbaum noted that the collaboration between the Planning Board and the Climate Action Committee (CAC) was ongoing and there were no new updates.

Chair Greenbaum opened the discussion on the policy regarding late submissions to the Planning Board. Chair Greenbaum said that she reached out to Chair Tracey Rose at the Board of Health who confirmed that they have the same problem and glad to hear that the Planning Board is acting on this topic. Chair Greenbaum asked Truro Office Assistant Sturdy to review policy that stated submissions were due no later than ten (10) prior to an appearance at a hearing but that the Planning Board was receiving submissions as late as 2-3 days ahead of a hearing which was unacceptable. Truro Office Assistant Sturdy reviewed the Planning Board handbook, and she suggested a revision that included the following language: *"All materials, electronic and paper, for a hearing shall be received no later than Tuesday at 4:00 pm of the prior week. Late submittals will not be reviewed at that meeting."* Truro Office Assistant Sturdy suggested that a new paragraph be added to the application and suggested the following language: *"All materials, electronic and paper, for a hearing shall be received no later than Tuesday at 4:00 pm of the prior week. Late submittals will not be reviewed at that meeting and may result in a continuance of the hearing. Additional information for scheduled public hearing may be submitted provided that it is received within the timeframe above so that it can be included in the packet for Board members to read and review."* Member Kiernan said that Truro Office Assistant Sturdy's suggestions were good and added that the language should be on the first page of the application instead of the second page. Member Boleyn concurred and Truro Office Assistant Sturdy replied that the requirement of timely submission is often overlooked and now it is a question of enforcement of the policy by the Planning Board. Member Kiernan added that there may be other entities involved in the application process, such as the National Seashore, and it may be difficult for the National Seashore to comply with the Town of Truro's policy. Interim Town Planner and Counsel Carboni asked the Members if it had been more efficient when the Town Planner was in Town Hall and Chair Greenbaum said that it was not. Chair Greenbaum noted that enforcement may improve applicant behavior to provide timely submissions, and if it doesn't, what steps would the Planning Board take to address that issue. Interim Town Planner and Counsel Carboni cautioned that the Planning Board didn't violate statutory deadlines. Member Riemer added that applications are also circulated to other departments in Town Hall for review and comment. Truro Office Assistant Sturdy noted that new application filings must adhere to filing deadlines as indicated on the Town of Truro website. Chair Greenbaum appreciated Truro Office Assistant Sturdy's efforts and noted that it is incumbent for the Planning Board to overstate the necessity of applicants and attorneys to submit as information is it is obtained rather than submit a complete packet at the last minute. Member Kiernan asked Interim Town Planner and Counsel Carboni if the Planning Board could deny an application due to untimely submission by the applicant. Interim Town Planner and Counsel Carboni cautioned against denial based upon untimely submission; however, Interim Town Planner and Counsel Carboni further opined that if the applicant was given reasonable



time to cure any delays, and chose not to, the Planning Board was within its authority to deny the application.

Chair Greenbaum asked Interim Town Planner and Counsel Carboni for an update on the Cloverleaf project. Interim Town Planner and Counsel Carboni said that Cloverleaf that the final edits are being prepared for the ZBA's signature and then the decision will be filed with the Town Clerk. Interim Town Planner and Counsel Carboni added that the applicant still has the right to appeal a decision within twenty (20) days through the Housing Appeals Committee.

Chair Greenbaum announced that she had recently attended a Highland Affordable Housing Committee (HAHC) board meeting to explore how Truro could increase housing. Chair Greenbaum said that the HAHC would like to meet with the Planning Board and share lessons learned moving forward. Chair Greenbaum suggested a work session on March 31, 2021, at 5:00 pm and she will propose that date to HAHC chair and report back to the Planning Board.

Chair Greenbaum then opened the discussion on Planning Board minutes and asked Interim Town Planner and Counsel Carboni to review the obligation for the lawful posting of board minutes and timely filing. Interim Town Planner and Counsel Carboni further stated that in response to the Attorney General of Massachusetts' inquiry regarding a citizen's Open Meeting Law (OML) complaint on this matter, she had replied that Town Hall was understaffed and that several individuals were on extended medical leave. The Commonwealth responded that was not an acceptable answer and it was the Planning Board's responsibility to comply with the law. Chair Greenbaum noted that the Board/Commission/Committee Support role had been vacant and posted for over a year and a half. Truro Office Assistant Sturdy confirmed the length of the vacancy and Member Kiernan asked what the pay rate was so he could share it with any interested individuals. Chair Greenbaum and Truro Office Assistant Sturdy could provide that information. Interim Town Planner and Counsel Carboni further added that she felt that minutes are generally too detailed, and she would prefer concise minutes for submission. Interim Town Planner and Counsel Carboni said that if one had looked at minutes from twenty years ago, they were one-page documents, so it is more important to summarize the meetings and catch up. Vice Chair Sollog commented that writing the minutes took about twice as long as the actual meeting. Chair Greenbaum stated that the minutes which are missing should be succinct. Member Kiernan said that succinct minutes are the way to go. Chair Greenbaum assured Member Roberts that he would not be responsible for the minutes as the newest Member of the Planning Board. Chair Greenbaum asked Members to identify potential candidates for the vacant role or Members may have to rotate the responsibility of writing the minutes to catch up and be compliant.

Chair Greenbaum reviewed the agenda for the next Planning Board meeting with the Members and there was a discussion to hold a public forum, that does not require a two-week notification to the public, in the next two weeks then followed by a public hearing in the coming weeks. Vice Chair Sollog opined that there may be public reluctance to change the bylaw to the Planning Board should be prepared for that so he added that perhaps it would be best to let the bylaw expire as the target limit of 40 building permits in any calendar year was never achieved. Chair Greenbaum concluded that the Members didn't appear to be on the same page, so maybe it was too early to have a public hearing. Chair Greenbaum suggested that there should not be a public hearing on February 24, 2021, and the Members should further discuss at next week's work session. Member Roberts agreed to Chair Greenbaum's suggestion to delay the public hearing. Chair Greenbaum instructed Truro Office Assistant Sturdy to cancel the public hearing on February 24, 2021. Chair Greenbaum asked Members if there was anything else that should be added to the agenda and Truro Office Assistant Sturdy noted that there

may be an administrative review added to the agenda from Truro Vineyards of Cape Cod's permit which they want to extend due to COVID-19. Chair Greenbaum then asked for a motion to adjourn the meeting.

**Member Riemer made a motion to adjourn at 6:47 pm.**

**Member Boelyn seconded the motion.**

**So voted, 7-0, 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

February 10, 2021 – 2:30 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; Rich Roberts

**Members Absent:**

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

Remote meeting convened at 2:35 pm, Wednesday, February 10, 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 no individuals who made public comments.

**Work Session**

Chair Greenbaum started the work session with a reminder to Members to regularly check their town email to keep communications with Truro Office Assistant Sturdy, so communications were timely and efficient.

Chair Greenbaum opened the discussion with the update from KP Law on the impact of new legislation recently signed into law as it pertained to Housing Choice Act and the impact on potential bylaw changes. Interim Town Planner and Counsel Carboni stated that the purpose of the bill is to make it easier to build multi-family housing in a city or town by lowering the standard for changing a bylaw from a 2/3 majority to a simple majority. Interim Town Planner and Counsel Carboni also stated that the concerns which the Planning Board had discussed on issues back in the fall could now be easier accomplished by approval by a simple majority. Interim Town Planner and Counsel Carboni further said that there will still be some additional clarification which will be issued by the Commonwealth's Department of Housing and Community Development (DHCD) as it is unclear if all current housing bylaws must be amended. Chair Greenbaum asked Members if they have questions or comments about the new legislation. Member Riemer commented that it would be easy for an urban area with existing infrastructure to adapt to the new legislation but that may be a challenge for Truro with limited infrastructure and how it may affect Truro's limited natural resources. Interim Town Planner and

Counsel Carboni opined that the legislation is to promote density and not concerned with anything else. Chair Greenbaum tasked the Members to review the legislation to determine what would be important to town residents and address those with the community. Interim Town Planner and Counsel Carboni encouraged the Members that this could be an opportunity to achieve the Planning Board's stated goals. Member Kiernan said that he downloaded the new definitions from Chapter 40A §1a and noted that, as an example, the definition of a "lot" by the Commonwealth differed from Truro's definition of a "lot". Chair Greenbaum and Interim Town Planner and Counsel Carboni reminded the Members that there will more clarification from DHCD and more updates from KP Law, but it is also important to keep in mind that moving forward any town that wanted to adopt these measures (bylaws for denser housing or a citizens' petition) may do so through town meeting and pass with a simple majority vote. Vice Chair Sollog stated that he didn't receive a copy of terms and definitions so he would like to receive that information as it was not contained with the letter from KP Law. Interim Town Planner and Counsel Carboni apologized for not including the information in today's meeting and she will get it to Truro Office Assistant Sturdy before the next meeting. Vice Chair Sollog expressed concern that it appears to weaken the protection of current bylaws and they could be reduced by a small group of voters at a town meeting. Interim Town Planner and Counsel Carboni stated that she understood Vice Chair Sollog's concern, but the Massachusetts legislature has made the decision. Member Riemer offered that there should be a meeting with all of Truro's boards, commissions, and committees so everyone is on the same page. Chair Greenbaum said that this was an excellent suggestion as it would be important to study the implications as it could be very major. Chair Greenbaum added that if things moved too quickly, the results could have an adverse impact on Truro. Member Kiernan noted that if a special town meeting has a legal quorum of 100 voters, as few as 51 voters of the 1,800 registered voters, in Truro can decide for the whole town and that would be scary. Chair Greenbaum asked for any final questions or comments on this topic before moving onto the agenda. Member Riemer asked a hypothetical question about the Board of Health and Interim Town Planner and Counsel Carboni stated that the new legislation does not change the jurisdiction of any board including Title V.

Chair Greenbaum opened the discussion on Zoning Bylaw §40.6 - Growth Management and asked Interim Town Planner and Counsel Carboni if the new legislation affected the bylaw. Interim Town Planner and Counsel Carboni stated that it did not. Member Kiernan suggested that it may be advisable to extend the bylaw 2-3 years so data can be collected and Chair Greenbaum asked Members for their input. Interim Town Planner and Counsel Carboni stated that because of a recently decided case in Land Court, the court reaffirmed that an extension of a bylaw up to ten years would be acceptable and she would advise that an extension not exceed five years. Member Roberts asked if the extension would leave the bylaw unmodified and Chair Greenbaum stated in the affirmative. Chair Greenbaum said that she would like to bring it up to a vote at the next meeting. Vice Chair Sollog commented that there would be a group of residents, provided with the data, who would want the bylaw to expire on December 31, 2021. Vice Chair Sollog further stated that he would be in favor the bylaw's continuance to December 31, 2024. Member Herridge said that he would be in favor of an extension to December 31, 2023. Chair Greenbaum reiterated that the Planning Board will vote on this at next week's meeting.

Chair Greenbaum introduced the discussion on the draft report on impact of the Residential District House Size Bylaw. Chair Greenbaum asked the Members if the data provided would be useful to report to Truro or is there other information that could be useful to report to the town. Member Kiernan suggested that using the Chilmark report as a template that the Planning Board could come up with the same results as there have been zero special permit applications to extend beyond 3,600 square feet in the Residential District since the bylaw was enacted. Chair Greenbaum stated that the building permit data doesn't reflect square footage, estimated cost of the project, or the cost of the building permit

which is based upon the estimated cost of the project. Member Kiernan added that reviewing the Assessor's database doesn't always reflect accurate dimensions. Chair Greenbaum reviewed the data to include who applied for a permit. Member Roberts stated that there are many other considerations which may not determine the effectiveness of the bylaw. Chair Greenbaum replied that they are dealing with facts and reiterated that there have been no special permit applications to extend beyond more than 3,600 square feet. Vice Chair Sollog suggested that lot coverage information would be helpful and Chair Greenbaum replied that they do not currently have that information. Member Riemer said that he would be interested in data collected in situations of a complete demolition and then the construction of a much larger home in its place (for example 8,000-9,000 square feet). Member Riemer expressed concern of a small ranch home, for example 1,000 square feet, being torn down and replaced with a larger home that will never be within the means of people of average means. Member Kiernan commented that what Member Riemer stated is the way Truro is going and it is the economics of the situation. Member Kiernan further added that unfortunately once a resident of average means dies, the family is likely to sell to a buyer who offers the largest amount of money for the property. Chair Greenbaum noted that a current and modest home can't be replaced by a mansion within the Residential District. Member Kiernan suggested that perhaps a bylaw be drafted that prohibits clear cutting beyond the 25' setback from the property line and street so the lot remains in its natural state. Chair Greenbaum noted that this is an issue that the Planning Board is going to take up in subsequent meetings. Chair Greenbaum asked Members if the data supplied by the Planning Board's report to the town include pre-bylaw and post-bylaw:

- Number of new single-family dwellings
- Number of additions/alterations

Member Kiernan commented that was a good start. Member Kiernan then asked Chair Greenbaum if the Truro report should use the Chilmark model that included guesthouse or detached bedroom, that under the Truro bylaw, would be a habitable studio. Chair Greenbaum opined that she would prefer to use the number of new single-family dwellings and the number of additions/alterations. There were no objections stated by the Members and Chair Greenbaum stated that she and Member Kiernan would continue to develop a final draft report.

Chair Greenbaum reminded Members of a site visit next Tuesday, at 2:30 pm, at 40 Highland Road.

Chair Greenbaum announced that she had recently met with Jon Nahas (Truro's Principal Assessor), who after approval from the Town Manager, had developed several color-coded maps for the Planning Board. Chair Greenbaum added that attached to every map is a spreadsheet and Interim Town Planner and Counsel Carboni shared her screen to identify all the different residential properties defined as follows:

- Mixed-use residential
- Mixed-use commercial
- Single family home
- Residential condominium
- Two-family
- Three-family
- Multiple houses
- Apartments 4-8 units

- Apartments > 8 units

Chair Greenbaum asked if Members if they had any questions or comments. Member Boleyn thanked Mr. Nahas for his cooperation and assistance. Chair Greenbaum agreed and then had Interim Town Planner and Counsel Carboni display the map of vacant land in Truro. Chair Greenbaum noted that the Assessor's Office had coded vacant land as "developable" and "undevelopable" as deemed by the staff but may not be accurate. Chair Greenbaum suggested that maps of vacant land may be posted in various public venues so residents may see ahead of a town forum what land is available for housing development. Member Riemer said that he would like to see an area south of the Pamet River, that is within the Chequessett Flow Lens (commonly referred to as the "Chequessett Lens"), to serve as a potential future Public Water Protection District (PWBD). Member Kiernan said that there was a 14-acre property that met that need in the Castle Hill area. Member Kiernan added it was sold to the Town of Truro near Route 6 adjacent to the Truro Transfer Station for a reasonable price. Chair Greenbaum noted that it was marked on the map as "vacant town land". Member Roberts asked if it was usable due to its proximity to the Truro Transfer Station. Member Kiernan said that it was and a 400' diameter circle could be put around the property. Member Kiernan further added that would allow the use of a public water supply. Member Kiernan also noted that the water could be tested prior to this action as this property was the only possible future PWBD within Truro. Vice Chair Sollog stated that he appreciated the efforts of Mr. Nahas and that these maps are extremely useful. Interim Town Planner and Counsel Carboni also noted that the GIS maps allow for modification to obtain specific information. Chair Greenbaum also noted that these maps are accessible from the Assessor's database.

The final item on the agenda, Subdivision Regulations: Possible change from 50-year event to 100-year event was brought up by Member Kiernan. Chair Greenbaum noted that this was discussed at the last session and there was no ability to do a bylaw change by February 26, 2021. Member Kiernan stated that within the last nine years there had been three 50-year events. Member Kiernan noted that with further development in Truro address the 100-year event possibilities. Interim Town Planner and Counsel Carboni said she will discuss this matter with Ms. Emily Beebe of the Health Department. Member Kiernan will investigate further and see if this was included in the bylaw. Chair Greenbaum stated they will discuss this at the meeting following the submission of this year's Warrant.

Chair Greenbaum tasked Members to review the proposed Warrant articles from 2020 prior to the next Planning Board meeting so the Members could determine which ones, if any, should not go forward on the 2021 Warrant. Chair Greenbaum then asked for a motion to adjourn the meeting.

**Member Boelyn made a motion to adjourn at 4:18 pm.**

**Member Riemer seconded the motion.**

**So voted, 7-0, motion carries.**

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



## TOWN OF TRURO

### PLANNING BOARD

#### Meeting Minutes

February 17, 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; Rich Roberts

**Members Absent:**

**Other Participants:** Barbara Carboni – Interim Town Planner and Counsel; Liz Sturdy – Truro Office Assistant; Ben Zehnder – Attorney for Cheryl (Perry) Costa – Applicant; Cheryl (Perry) Costa and Stephen Perry - Applicants; Chris and Christine Dragon – Applicants; Kristin Roberts - Applicant

Remote meeting convened at 5:01 pm, Wednesday, February 17, 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 who recognized Ron Robin of Provincetown and WGTN Dunes Radio who wanted to gather information as to how to transfer the special permit for the antenna to another company. Chair Greenbaum asked Interim Town Planner and Counsel Carboni for comment. Interim Town Planner and Counsel Carboni stated that she had spoken with Mr. Robin earlier in the day and that she would recommend a formal process to include a public hearing to properly amend the special permit and reflect the new ownership. Chair Greenbaum told Mr. Robin that they could not discuss this further and Interim Town Planner and Counsel Carboni told Mr. Robin that she would help him. Chair Greenbaum told Mr. Robin that the Planning Board looked forward to his application and thanked him. Before leaving the meeting, Mr. Robin thanked Chair Greenbaum and Interim Town Planner and Counsel Carboni. There were no other members of the public to offer comment.

**Public Hearing - Continued**

**2020-006/SPR - Anne Labouisse Peretz; William T. Burdick & Richard C. Vanison, Trustees, Dune House Nominee Trust** for property located at 112 North Pamet Road (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 construction of 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 that there was a requested extension in this matter by the Applicant until March 10, 2021, for the hearing and a

date certain for a decision of March 24, 2021. Interim Town Planner and Counsel Carboni stated that there was not a current request and that the Planning Board could vote to continue the hearing until March 10, 2021, although she didn't receive a request from Attorney Ben Zehnder on behalf of the Applicant. Chair Greenbaum said that she had that request in front of her and she would consider a motion to continue this matter until March 10, 2021.

**Member Kiernan made a motion to continue this matter to March 10, 2021.**

**Member Herridge seconded the motion.**

**So voted, 7-0, motion carries.**

#### **Board Action/Review - Continued**

At this time, Chair Greenbaum asked Members to bring forward the **Board Action/Review of 2019-002/SPR – Kristin Roberts for the Roberts Family Property LLC** (Atlas Map 39, Parcel 137) seeks extension of a Commercial Development Site Plan Decision dated March 20, 2019, and signed March 29, 2019, and this was agreed upon without objection. Interim Town Planner and Counsel Carboni provided a summary of Ms. Roberts' application and then offered Ms. Roberts the opportunity to provide input. Ms. Roberts requested an 18-month extension to July 1, 2022, and Member Kiernan offered a 24-month extension to March 20, 2023, to which Ms. Roberts agreed. Member Herridge stated that he recalled the project from two years ago and it was very straightforward. Chair Greenbaum also recalled the positive input from the abutters two years ago. Interim Town Planner and Counsel Carboni requested a formal vote on this matter and she will draft a document to formalize the extension. Chair Greenbaum said she would consider a motion to a 24-month extension in this matter.

**Member Kiernan made a motion to continue this matter to March 20, 2023.**

**Member Herridge seconded the motion.**

**So voted, 7-0, motion carries.**

Ms. Roberts thanked the Planning Board and left the meeting.

#### **Public Hearing - Continued**

Chair Greenbaum then continued the **Public Hearing for 2021-001/SPR- Chris Dragon and Christine Dragon** for property located at 40 Highland Road (Atlas Map 36, Parcel 172). Applicant seeks a Residential Site Plan Review under Section 70 of the Truro Zoning Bylaw for renovation of an existing 1947 home on 3.06 acres: add a 10 x 12 mudroom and 24 x 24 garage in the Seashore Zoning District. Chair Greenbaum announced the site visit was completed yesterday and asked if the Applicants were on the call and there was no reply. Member Roberts said that he had received additional information regarding the basement since the site visit and asked if that information went to the Building Department during the permitting process. Interim Town Planner and Counsel Carboni said that she would check with the Building Department. Caller #4 then joined and introduced herself as Christine Dragon and that they had been on the call but dropped off due to being muted. Chair Greenbaum welcomed the Applicants back. Member Roberts noted that the professional engineer stamp was part of the basement project and Interim Town Planner and Counsel Carboni noted that the plans were due as part of the application. Mr. Dragon further stated that the plans which are in the possession of the Planning Board are the current plans. Mr. Dragon further confirmed that everything was submitted through the town and was approved Rich Stevens who is Truro's Building Commissioner. Member Riemer noted that there was a question during the site visit yesterday as to the materials being used for



the home. Mr. Dragon stated that clapboard would make up 60% of the project and shingles would make up the remaining 40%. Member Riemer was satisfied with Mr. Dragon's reply. Member Kiernan asked if the Members had heard anything with the Health Agent Emily Beebe regarding a "hotspot" on the property from a 2014 Weston & Sampson Report regarding elevated nitrogen levels. Chair Greenbaum noted that there wasn't a reply yet and Interim Town Planner and Counsel Carboni said that she will email a link for the 2014 Weston & Sampson Report to the Applicants. Mr. Dragon asked if this information should have been provided to them during the sale process for the property and Interim Town Planner and Counsel Carboni said that she did not know but added sometimes a "hotspot" may be indicated in the general area without accurately reflecting property boundaries. Member Roberts commented that the chimney will have to be elevated above the roofline and that must be updated in the plans. Mr. Dragon stated that he thought that the chimney extension was already added on the plans. Member Boleyn added that he saw the chimney extension on his plans. Chair Greenbaum noted that the chimney extension was shown on the plans but there wasn't a note. Member Roberts confirmed that drawing #4 of #7 does indeed have the annotation. Chair Greenbaum asked for motion to close the hearing.

**Member Herridge made a motion to close the hearing in this matter.**

**Member Boleyn seconded the motion.**

**So voted, 7-0, motion carries.**

Chair Greenbaum then asked for a motion to approve the application in this matter.

**Member Boelyn made a motion to approve the application in this matter.**

**Member Herridge seconded the motion.**

**So voted, 7-0, motion carries.**

Chair Greenbaum notified Mr. and Mrs. Dragon that they were approved and would receive a written decision shortly. Mr. and Mrs. Dragon thanked the Planning Board and left the meeting.

### **Board Action/Review - Continued**

Chair Greenbaum led the discussion on 2020 ATM postponed Warrant Articles and amendments. Members did not want to withdraw any so Chair Greenbaum closed the discussion.

Chair Greenbaum opened the discussion of Zoning Bylaw 40.6-Growth Management Bylaw (amendments) and asked Members if they wanted to extend the bylaw so the Local Comprehensive Plan could be done and then the Planning Board could determine if the bylaw should be revised, write a new one, or eliminate it. Chair Greenbaum reminded Members that the two options discussed at the last meeting were proposed extensions of 24 months or 36 months. Vice Chair Sollog suggested a 60-month extension and Interim Town Planner and Counsel Carboni opined that a 60-month extension should be the maximum and the extension must be justified. Vice Chair Sollog suggested a simple majority vote to select one of the three options. Chair Greenbaum asked for a motion to extend Section 40.6 from December 31, 2021, to December 31, 2024.

**Member Herridge made a motion to extend the bylaw to December 31, 2024.**

**Member Boleyn seconded the motion.**

**So voted, 7-0, motion carries.**

Chair Greenbaum stated that among herself, Truro Office Assistant Sturdy, and Interim Town Planner and Counsel Carboni should be able to draft the proper language for the extension. Chair Greenbaum further commented that she had previously contacted the Assistant Town Manager who is holding a place in the Warrant for it. Interim Town Planner and Counsel Carboni asked if there had to be a vote to submit all the Articles to the Select Board for the 2021 Town Warrant, the 2020 Postponed ATM Articles, and the Article to Revise Section 40.6. Chair Greenbaum asked for a motion to do so.

**Vice Chair Sollog made a motion to submit all the Articles to the Select Board for the 2021 Town Warrant, the 2020 Postponed ATM Articles, and the Article to Revise Bylaw Section 40.6.**

**Member Boleyn seconded the motion.**

**So voted, 7-0, motion carries.**

Chair Greenbaum asked Interim Town Planner and Counsel Carboni for an update before her departure to another meeting. Interim Town Planner and Counsel Carboni had no update.

**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 identified Caller #5 as Debra Perry.

Chair Greenbaum then asked Interim Town Planner and Counsel Carboni if the Planning Board should proceed on **2020-011/PB – Samantha Perry, Hillside Farm, LLC** if the Applicant's attorney, Mr. Ben Zehnder, was not present now as Mr. Zehnder previously notified the Chair that he would join tonight's meeting after his appearance at another hearing. As there was no other business for the Members to act upon according to this evening's agenda, Interim Town Planner and Counsel Carboni advised not to move forward and to postpone the action since it was not a public hearing, or the Planning Board could stay in session a bit longer to give Mr. Zehnder additional time to join.

Mr. Zehnder now joined the meeting. Interim Town Planner and Counsel Carboni left the meeting. Mr. Zehnder requested a recess until 6:15 pm as his previous meeting had just concluded and he wanted a couple of minutes to organize himself. No Members objected and Chair Greenbaum announced a recess until 6:15 pm.

At 6:15 pm, Chair Greenbaum reconvened the Members. Chair Greenbaum asked Truro Office Assistant Sturdy if there were any new items for the March 10, 2021, agenda and Truro Office Assistant Sturdy replied that there no new cases for that meeting, but 112 North Pamet was on the agenda. Chair Greenbaum asked Members to think about any items they would like to add to the agenda for March 10, 2021, as it appeared to be a light meeting. Cheryl (Perry) Costa advised Chair Greenbaum that she had just received information from Mr. Zehnder via text message. Mr. Zehnder was tied up in another hearing and requested a continuance to March 10, 2021. Ms. Costa requested that their matter be heard first on that date. There were no objections from the Members to continue this matter until March 10, 2021. Chair Greenbaum then recognized Andrew ("Drew") Locke of 27 Perry Road, Truro, MA who operates Hillside Poultry Farm, he is a member of the Perry family, and a seventh-generation farmer. Mr. Locke explained that the intent is to keep the family in Truro and Chair Greenbaum thanked him but there is nothing else to add as Mr. Zehnder is not available. Chair Greenbaum advised Ms. Costa and Mr. Locke that their matter is continued until March 10, 2021, and Vice Chair Sollog recommended a vote to have a record of the continuance. Chair Greenbaum asked for a motion to continue this matter to March 10, 2021.

**Vice Chair Sollog made a motion to continue this matter to March 10, 2021.**

**Member Kiernan seconded the motion.**

**So voted, 7-0, motion carries.**

As there was nothing else on the agenda, Chair Greenbaum asked for a motion to adjourn. Member Riemer updated the Members on the clear-cutting issues which he is working on with Mr. Fred Gaechter of the Climate Action Committee (CAC). Member Riemer noted that Dennis and Wellfleet require a permit prior to any site work, including site preparation work, for the development of a single-family home. Chair Greenbaum asked Member Riemer to forward the Dennis and Wellfleet requirements to Truro Office Assistant Sturdy so they can be furnished to Members ahead of the March 10, 2021, meeting. Chair Greenbaum then recognized Chris Lucy who asked what Wellfleet bylaw Member Riemer referenced regarding tree clearing. Member Riemer stated that it was required in Wellfleet Bylaw 8.2, 8.3, and 8.4. Member Riemer further commented that there was a serious issue of clear-cutting, along Route 6 in Wellfleet that was reported in a local newspaper. Member Boleyn added that case was particularly egregious as the property owner was aware of the bylaw requirements prior to clear-cutting the property. Chair Greenbaum commented that the issue is enforcement, and it will be interesting to see how Wellfleet deals with this matter. Member Riemer then read the Dennis bylaw to the Members. Chair Greenbaum thanked him for his comments and repeated her request that he forward this information to Truro Office Assistant Sturdy for distribution ahead of the March 10, 2021 meeting.

Chair Greenbaum then asked for a motion to adjourn the meeting.

**Member Boelyn made a motion to adjourn at 6:39 pm.**

**Member Herridge seconded the motion.**

**So voted, 7-0, 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  
April 21, 2021 – 5:00 PM  
REMOTE MEETING

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

**Members Absent:** None.

## **Other Participants:**

Barbara Carboni (Town Planner).

2021-002/SPR: Marian Rose (attorney), Tim Brady (Civil Engineer), Erin and Dan Silva, John Salvador.

2020-006/SPR: Ben Zehnder (attorney), Dan Costa (architect), Brad Malo (Civil Engineer), Amy Wolf (neighbor).

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.

## **Public Hearing**

**2021-002/SPR – Silvador, LLC, 298 Route 6** (Atlas Map 43, Parcel 57). Tradesman Park South. Applicant Seeks a Commercial Site Plan Review under Section 70 of the Truro Zoning Bylaw and/or an amendment of Planning Board Decision 2019-003/SPR (approved May 2019) to replace elevator access to upper-level self-storage of Building II with drivable access to proposed raised rear platform deck.

This is the first of two meetings discussing this application, as per remote meeting standard policy.

Chair Greenbaum requested that the applicant outline the differences between this application and what was previously approved.

Attorney Rose described the proposed changes to the project for which the applicant is currently seeking approval. The proposed changes all involve Building II and second floor access to that building. The applicant proposes to eliminate the interior elevator originally included in the

design of the building. A new driveway will be added around the rear (south side) of the building and the grade elevation at the rear of the building will be raised (maximum raise in grade is approximately 8 feet) so that this new driveway can provide access to a new, second floor level loading dock at the rear of the building. The applicant has submitted site plans with this application to show the proposed new rear driveway, revised grading and proposed new rear loading dock and access stair.

- Member Roberts expressed concerns regarding the impact on these changes with respect to site grading, runoff, treatment swales and landscaping issues between Building II and the south property line. This concern was addressed for the applicant by Mr. Brady.
- Member Kiernan asked about the impact of these proposed changes on parking space requirements and bollard placement. Mr. Silva described parking and site operation and loading operations as they have experienced it to date, given that Building I is in operation.
- Member Riemer inquired about revisions to the floor slab elevations on the new submission (vs. the original submission).
- Member Kiernan asked about the applicant's intent regarding future rooftop solar panel installation.

The proposed site plan changes have been submitted to the Cape Cod Commission (CCC) for approval.

No public comments on this application were received at this meeting.

At the request of the Planning Board, the following changes will be incorporated into the plan set prior to the Board's second hearing on this application and prior to final CCC approval:

- Civil engineer to add a revised cross section through the rear of the building, showing the revised grading in the vicinity of the proposed new loading dock.
- Show bollard locations at the gas tank, show guard rails on the new rear drive.
- Provide Fire Department letter of review and approval.
- Note proposed solar panel installations on roof.
- Provide an elevation for the rear loading dock floor.
- Chair Greenbaum requested that a complete set of plans be provided at the Planning Board's next meeting on this application.

**2020-006/SPR – Anne Labouisse Peretz, William T. Burdick & Richard C. Vanison, Trustees, Dune House Nom. Trust** for property located at 112 North Pamet Road (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 an existing single-family dwelling and 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.

This evening's discussion is a continuation of earlier meetings on this application.

Attorney Zehnder introduced a revised plan set illustrating a modified house and site design. The revised design reduces the amount of fill required on the site from 3760 CY to 560 CY by introducing a retaining wall on the downhill side of the proposed house.

Attorney Zehnder briefly described the design team's analysis of alternative locations for the new house on the lot, concluding that the alternative locations were either not viable, had equivalent impact on the site, or were not acceptable to the Owners.

Mr. Malo described the revised grading and retaining walls that are illustrated in this revised submittal, as illustrated on Drawings C2.1.1 and C2.2.1 (both drawings with a reissue date of 4-21-21). Mr. Malo also described changes to the driveway and parking areas as modified by the revised grading.

- Discussion of Retaining Walls vs. Sustaining Walls, as defined in Town bylaws.
- Discussion of frontage requirements as required by Town bylaws.
- Discussion of "filling of land" as described in the Town bylaws.
- Discussion of the maximum required retaining wall height, as per drawing C2.2.1.
- Discussion of guard rail requirements (along the top of the proposed retaining wall).
- Discussion regarding the composition of the patio shown on the uphill side of the house.

#### Public Comments:

Amy Wolf (neighbor): Ms. Wolf submitted a letter for record, said letter was read at this meeting. Letter concurs with previously expressed concerns regarding the proposed site fill quantities and protection of the existing landscape and requests that the house siting should minimize the amount of site fill and grade changes. Ms. Wolf believes the project should be designed to maximize protection of the natural environment and the Seashore.

Anne Peretz (owner): Stated that the original house was approved by CCNS. Ms. Peretz also assured the Board that disruption of the environment will be minimized as much as possible.

Mr. Zehnder requests that a vote on this application be continued until the Board's next meeting (May 5, 2021) provided Board members are willing to consider and evaluate the use of retaining walls to in order to limit fills and allow placement of house at the location now shown.

Motion to continue the hearing on this application to May 5, 2021, with the understanding that further design changes are expected to include use of retaining walls to control the limits of site disturbance and limit fill quantities.

Motion to continue hearing: So moved by: Bruce Boleyn. Second: Jack Riemer.

Vote:

Greenbaum: Aye.

Rierner: Aye.

Sollog: Aye.

Kiernan: Abstain.

Boleyn: Aye.

Herridge: Abstain.

Roberts: Abstain (ineligible).

Motion passes 4-0-3

**Planner Report** (Given by Town Planner Carboni)

Housing Choice Workshop being planned with other communities – Town Planner will advise on further planning of this event.

Draft RFP for Local Comprehensive Planning Committee. Town will hire a consultant to assist with the LCP process.

**Next Meeting/Work Session:** May 7, 2021

Motion to Adjourn: so moved by: Bruce Boleyn, Seconded by: Paul Kiernan. Motion passed unanimously, 7-0-0.

Meeting Adjourned  
Respectfully Submitted,

Richard Roberts



**Town of Truro  
Planning Board  
Meeting Minutes  
May 5, 2021 – 5:00 pm**

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

Member Absent: Peter Herridge

Other Participants: Barbara Carboni Town Planner, Liz Sturdy Planner Assistant, Atty Zehnder

Public Comment: none

Public Hearing – Continued

2021-002/SPR – Salvador, LLC. Request to Continue to May 19, 2021 Meeting, so moved by Bruce Boleyn, seconded by Steve Sollog, 6-0 approve.

2020-006/SPR – Anne Labouisse Peretz; William T. Burdick & Richard C. Venison, Trustees, Dune House Nom. Tr. for property located at 112 North Pamet Road (Atlas Map 48, Parcel 1). Request to Continue from May 5, 2021 to June 23, 2021 Meeting.

Discussion: ZBA is hearing this matter May 24, 2021.

Anne Greenbaum asks for move to continue, so moved by Bruce Boleyn, seconded by Steve Sollog, 6-0 approve.

Board Action/Review/Discussion

Initial Discussion of Potential Bylaw Changes for ATM 2022 (attached).

Anne Greenbaum Community input on front end, Steve Sollog Forums, Town Planner we can't limit number of participants, can limit comment time and length of meeting. Paul Kiernan have summary of meeting online to prep for next meeting, Anne Greenbaum develop topic structure, not same thing over and over.

Paul Kiernan asks for discussion with Cape Cod Commission on Development Agreement and Mandatory DRI, Anne Greenbaum and Barbara Carboni will set these up.

Paul Kiernan wastewater \$50-100 million, our topography will necessitate greater amounts, Title V reliance will save the Town money by avoiding infrastructure. Anne Greenbaum if you're thinking about wastewater think about consequences, Barbara Carboni recommends attending Walsh Committee and LCPC meetings to understand issues. Anne Greenbaum states potential Articles adds, definitions, housing, open space and environment, simplifying process and applications. Steve Sollog adds, conservation of resources and coastal structures that the Town should have some say, Jack Riemer only Chatham and Orleans have Flood Plain bylaws, Barbara Carboni will look them up. Jack Riemer water and sewer overlay districts necessary to reserve potential locations, Harwich 2021 Warrant Article 23 sought approval for land for wellhead water supply with 100% reimbursement through Cape Cod Commission DRI funds. Anne Greenbaum next steps for work session: add, delete, changes to bylaws, identify where we want to start, structure community forums. Steve Sollog where House Size Bylaw fails is due to

lot size, Jack Riemer need open space or lot coverage limits. Local Action Unit allowed by DHCD require supportive bylaws to allow inclusion into the SHI.

Planner Report: Fred Gaechter and Paul Wisotzky are co-chairs of Walsh Committee, LCPC issues RFP for consultant. Paul Kiernan questions Avenue D, how could Select Board approve use of deck since Planning Board limited use, Executive Order #34 may approve outdoor service, Select Board may approve with conditions, while not necessarily just for duration of pandemic, use of deck no longer lawful must come before Planning Board, Paul Kiernan asks about restriction to number of seats, Barbara Carboni says number of seats are in conditions, Paul Kiernan cites neighbor noise complaints, is there a limit in Select Board approval about this? Barbara Carboni will send copy of Select Board decision for Planning Board reference. Jack Riemer states the number of seats are 17, the license states 20, there is a discrepancy between indoor and outdoor limits, Barbara Carboni will find that out.

Planner Report: there is a lot going on, Jack Riemer requests update on MESA map, do we respond?

Site should be available.

Housing Choice workshop, Kelly has been in contact with Chris from DHCD, Cape Cod Commission DRI workshop, Barbara Carboni will ask Jeffery who is a good person to ask. Jack Riemer asks who is the Town representative to the Cape Cod Commission, Barbara Carboni will see if Kevin Grunwald has been replaced.

Anne Greenbaum update on warrant articles, Select Board voted 1-2-2 on charter change making Planning Board appointed.

Liz Sturdy ADU at 16 Sawyer Grove Road site visit 2:30, 5/18.

Next meeting 5/19/2021 at 5:00 pm.

Chair Greenbaum asked for a motion to adjourn the meeting, so moved by Jack Riemer, seconded by Bruce Boleyn, motion passes 6-0.

Respectfully submitted,

Jack Riemer  
Planning Board Clerk

**Town of Truro  
Planning Board  
Work Session Minutes  
May 12, 2021 – 5:00 pm**

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

Member Absent: None

Other Participants: Barbara Carboni Town Planner

Public Comment

Public comment, for things not on the agenda, was opened by Chair Greenbaum and there were no individuals who made public comment

Work Session

Chair Greenbaum opened the work session stating Liz Sturdy will no longer keep a "to do/follow up"

Jack Riemer to take over responsibility and forward to Liz, Anne, and Barbara Carboni.

Chair Greenbaum stated in effort to be proactive she has provided a Master List of Potential Articles For 2022 ATM dated May 7, 2021 and Potential Ways To Change Bylaws To Increase Housing dated May 7, 2021

Paul Kiernan states issues around water are most important, examples are what 14 other Barnstable County Towns are experiencing and the potential cost, the Planning Board's responsibility is not to overlook this.

Jack Riemer states the Cape Cod Times has had numerous articles reporting on infrastructure project costs in support of increased population density, the 2005 Truro LCP reported 2.77 Persons per acre in Truro

1.61	Yarmouth
.68	Brewster
0.7	Orleans

With Truro's number 2.77 outside the seashore any increase of density will have a negative effect on our natural resources.

Chair Greenbaum asks for what over the last 5 years other towns have and are going to spend on wastewater and public water infrastructure and the effect increased taxes would have on the current population and potentially forcing them out of town.

Rich Roberts asks for information on current town water hookups in the Northern end of town tied into Provincetown water supply. Barbara Carboni will speak to Jarrod Cabral.

Paul Kiernan states in 1907 Provincetown starts taking water from Truro, later Beach Point is hooked up, in the 1970's Federal money is available to build sewers, Provincetown was forced to build and Truro Selectmen asked at the time if Beach Point could be hooked up and told "No".

Chair Greenbaum asks for other major areas of concern. Paul Kiernan states, lot coverage and discusses a formula, Chair Greenbaum agrees lot coverage is a high priority and can be described

as open space, Paul Kiernan states this affects what Truro looks like, Chair Greenbaum asks what others think? Barbara Carboni states it is good to identify why it is important, Purpose Needs To Be Clear! Chair Greenbaum states this protects our environment and air.

Rich Roberts asks how we have dealt with undersized lots in the past? Jack Riemer states at the May 4th BOH meeting the Highland Road subdivision lot size issue was discussed requiring extension of Provincetown Water to solve density.

Chair Greenbaum addresses Building Or Moving Houses on Eroding Coastal Areas, Steve Sollog states it is something we will be seeing more often, we need to develop guidelines for, effects of destabilizing bluffs, need for fillings vs poured foundations, Jack Riemer says Beach Point is in a High Velocity Flood Zone where upgrades exceeding a certain percent will trigger FEMA requirements, Barbara Carboni says the Building Commissioner uses a 50% rule, Jack Riemer says numbers and figures may not identify actual cost, Paul Kiernan says in 2002 a Beach Point Motel of \$800,000 tax value was issued a \$475,000 Building Permit which should have triggered a FEMA upgrade, he reported this to the SB and nothing was done, townhouses were built absent a zoning definition, further if FEMA is not notified then the property is illegible for FEMA Insurance. Barbara Carboni will invite Emily Beebe total about Beach Point building limitations.

Chair Greenbaum returns to coastal bluffs, impact on coastal dune and impact of slabs vs pilings. Rich Roberts says slab on grade is least invasive, piling vibration is bad, issue is site specific due to soil conditions. Chair Greenbaum asks for research on Best Practices to know about. Rich Roberts asks about the house on pilings at Ballston, how much time have they bought as well as septic and water coming into play first. Steve Sollog says houses moved back should require an escrow account to deal with left over foundations and this is the future of things coming before us.

Chair Greenbaum asks about the Harwich Wellhead protection zone, Jack Riemer says we don't have a Public Water Supply overlay to hold in reserve for protection and future use, Harwich had an opportunity to purchase land with a Cape Cod Commission grant to buy land - open space to protect their well head, Chair Greenbaum asks to research this fund.

Paul Kiernan relates, Eleanor Meldahl subdivided her land which resulted in the Town buying a parcel intended for water supply located on RT 6 in the Seashore.

Chair Greenbaum returns to Water and Sewer overlay districts, Jack Riemer says we need to reserve area to avoid eminent domain taking and who would want to live next door to a sewer overlay district.

Rich Roberts asks how receptive would Provincetown be to tying into their system? Paul Kiernan says Provincetown expansion would be costly, if Truro does it the cost would only benefit Beach Point, Provincetown has said NO, so what can we offer them? Barbara Carboni says we have an existing water protection district and need to identify those area to expand, Paul Kiernan says our current water protection districts or for Provincetown. Rich Roberts asks if the Walsh Committee is aware, Barbara Carboni says this is definitely something to know about. Jack Riemer says IWRMP 2014 Executive Summary stated Truro can control then impact of nutrient loads avoiding the expense of expensive infrastructure, however since then the Town has approved Year Round Condos and ADUs not figured into this report. Chair Greenbaum says all members should have this report and asks off our guiding light should be to avoid infrastructure? Rich Roberts says year round condos on Beach Point runs counter to what makes sense. Peter Herridge says Beach Point is already polluting Pilgrim Lake. Chair Greenbaum asks what it would take for Provincetown to discuss hook up? Jack Riemer says it should be understood a

hook up would allow no new net increase of waste water. Chair Greenbaum says we need to balance things - cleaning up should not increase the number of hookups. Paul Kiernan says if a Federal Lawsuit over Pilgrim Lake issues leading to enormous cost, any deal with Provincetown should include no net increase of hookups. Chair Greenbaum asks how did TM push the Condo Bylaw? Will BOH have a conversation on limiting conversions? Paul Kiernan says the former SB decided to pursue housing, change of use and nitrogen loading has been bypassed. Rich Roberts says we should consult with BOH to limit any future condo conversions and year round use. Jack Riemer says every year round condo increases our SHI requirement. Chair Greenbaum will approach BOH chair and Agent to discuss condo conversion. Brenda Conners commends PB efforts and the THA 181 RT 6 deals with issues discussed today and is having a meeting at 4:15 today, Brenda offers to work with us to consider potential Seashore Park collaboration  
Chair Greenbaum called a close to the meeting  
6:33 pm

attachments:

Master List of Potential Articles for 2022 ATM May 7, 2022

Potential Ways to Change Bylaws to Increase Housing May 7, 2021

Environmental Issues to Include in Assessing Potential Bylaws May 7, 2021

Respectfully submitted,

Jack Riemer  
Planning Board Clerk



# **TOWN OF TRURO PLANNING BOARD**

Meeting Minutes  
May 19, 2021 – 5:00 PM  
REMOTE MEETING

**Attending:** Anne Greenbaum (chair); Steven Sollog (vice chair); John Riemer (clerk); Bruce Boleyn; Peter Herridge; Paul Kiernan; Rich Roberts; Barbara Carboni – Town Planner/Land Use Counsel; Michael MacIntyre; Attorney Lester J Murphy; Mr. Greg Russo; Ken Russo; Timothy J Brady (Engineer); Attorney Marian S. Rose; Dan Silva

**Members Absent:** None

Anne Greenbaum called meeting to order at 5:01 pm and read participation instructions.  
No public comment

## **Item 1: Temporary Sign Permits**

First Parish Church asks for 3(three) permits to run consecutively.

The board discussed the application. Application continued by consensus to next meeting to clarify ownership of property at sign locations.

## **Item 2:**

2021-002/PB – 16 Sawyer Grove Road (Map 39, Parcel 294). Application of Michael MacIntyre, for an Accessory Dwelling Unit containing 1,000 square feet in an existing detached garage structure under Section 40.2 of the Truro Zoning Bylaw.

Attorney Murphy described the ADU as an appropriate use of the ADU bylaw, providing year-round habitat for family.

Discussion about missing waste pipe on septic plan, missing dimensions on floor plan and providing plan showing the deck and stairs for second egress.

Hearing opened for public comment:

1. Donna Gagnon asked are ADU's allowed on all the lots included on Sawyer Grove Road?

Answered by Anne Greenbaum yes.

2. Deirdre – Will parking be addressed by the Planning Board? Answered by Anne Greenbaum yes.

Attorney Murphy reviewed missing information and agreed to provide Floor plans of ADU with dimensions and professional stamp, proposed site plan showing the deck and staircase, updated septic plan including all components and a parking plan with dimensions.

**Motion to continue hearing to June 9, 2021 by Paul Kiernan**

**Second by Bruce Boleyn**

**Voted 7-0-0 motion passed.**

## **Item 3:**

Public Hearing – Continued 2021-002/SPR – Silvaldor, LLC for property located at 298 Route 6 (Atlas Map 43, Parcel 57). Applicant seeks a Commercial Site Plan Review under Section 70 of

the Truro Zoning Bylaw and/or an amendment of Planning Board Decision 2019-003/SPR (approved May 2019) to replace elevator access to upper-level self-storage of Building II with drivable access to proposed raised rear platform deck.

Attorney Rose presented the changes proposed to the site plan:

1. A ramp from the approved door to the driveway access
2. Guard rails on road to rear of building
3. Drainage swales on building side of roadway
4. Propane tanks relocated with bollards

Applicant and Board discussed the proposed slopes and possible conditions including lighting and signage.

#### Findings:

1. This is an application by Silvador, LLC for Modification to a Commercial Site Plan Approval granted by the Board on May 1, 2019, pursuant to Section 70 of the Truro Zoning Bylaw (“Bylaw”).
2. The property is located in the Route 6 General Business zoning district, and within the Water Resource Protection Overlay District.
3. The Board’s May 1, 2019 decision granted Commercial Site Plan Approval of “Tradesman Park – South”, permitting the construction of two buildings, landscaping, and other associated site improvements on this 1.1 acre lot.
4. Pursuant to this approval, Building 1 was constructed on the northern area of the property, containing seven contractor bays and sixty-four self-storage units. A second building on the southern area of the property was approved (five contractor bays on the main level, and forty-six self-storage units on a second level, served by an elevator), but has not yet been constructed.
5. The Applicant seeks to modify the approved project by eliminating the elevator from the design of Building 2, replacing it with a driveway around the rear of the building, with a ramp and landing area serving a loading area on the second floor at the rear of the Building (facing the adjacent Truro Motor Inn property). This access will be provided by constructing a 12-foot wide driveway around three sides of the Building, and constructing a ramp to a landing area on the second floor, features which did not exist in the earlier approved plan. This extends the limit of work (and activity on the lot) close to the rear and side lot lines.
6. A landscaped buffer is proposed between the Building and the driveway, and between the driveway and abutting properties. Exterior stairs on the southeast corner of Building 2 will be removed.
7. In addition, modifications to parking are proposed to reflect current usage of Building 1; the Applicant requests a modification from 35 to 31 spaces.
8. Additional landscaping and modifications to the plumbing and drainage system are proposed.
9. The original project was reviewed by the Cape Cod Commission, which in a DRI Scoping Decision issued January 10, 2019, imposed conditions relating to the adjacent public water supply well; handling of wastewater; limitations on nitrogen loading; landscape management; limitations on hazardous materials; and stormwater management. The Scoping Decision was modified on June 6, 2019 to reflect changes required by this Board in its May 1, 2019 decision.
10. In January 2021, the Applicant applied to the Commission for a Minor Modification to incorporate the proposed driveway around Building 2 and second story access at the rear of the Building. The Commission has not yet issued a decision on the request for modification.



11. The Board has reviewed all plans with respect to this Application and has found that they comply with all requirements set forth in Section 70.3 of the Bylaw.

12. The Board finds that the proposed modification to the project is appropriate to use of this site in the Route 6 General Business District. Drive-up access to the second story of Building 2 provides added convenience to the tenants of the facility.

13. The Board further finds that the wraparound driveway and its use will result in increased impacts of the facility on abutting properties. These impacts include increased lighting, noise and fumes from vehicles utilizing the second story access. To mitigate these increased impacts, the Board imposes certain additional conditions below.

14. Pursuant to Section 70.3(F) of the Bylaw, the Board makes the following findings under the relevant Review Criteria and Design Guidelines relating to the requested modification:

A. The proposal is in conformity with all applicable provisions of the Zoning Bylaw.

B. As conditioned below, the proposal provides for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.

C. As conditioned below, the proposal provides for the protection of adjacent properties and the night sky from intrusive lighting, including parking lot and building exterior lighting. Lighting shall be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro.

D. As conditioned below, the building site will minimize tree, vegetation, and soil removal and grade changes to the greatest extent possible given the revised design.

E. The modified drainage system within the site is adequate to handle the runoff resulting from the development.

F. The proposal provides for structural and/or landscaped screening or buffers for storage areas and loading docks viewed from street frontages and residentially used or zoned premises.

G. Convenience and safety of vehicular and pedestrian movement within the site and in relation to Route 6 are maximized. Traffic patterns for vehicles show safe and adequate circulation within and access to and from the site.

#### Conditions:

1. Except as modified by this Decision, all conditions contained in the Board's May 1, 2019 Decision remain applicable and enforceable.

2. The use of the Property shall be in strict conformance with the Town of Truro Bylaw.

3. Construction of Building 2 and all other improvements shall conform to the plans referenced in this decision, including the Landscape Plan.

4. Any additional lighting shall be installed and maintained so as to comply with the Town of Truro Outdoor Lighting Bylaw, Chapter IV, Section 6 of the General Bylaws.

5. Slopes within the site shall be adequately protected and runoff to adjacent properties and streets controlled both during and after construction.

6. Construction and use of the building and other improvements shall comply with all requirements imposed by the Cape Cod Commission, including but not limited to storm water management and erosion control.

7. Hours of operation were discussed as 7:00 AM to 7:00 PM as approved in the original approved site plan.

8. The Applicant shall submit to the Building Commissioner all plans referenced above prior to commencing site work.
9. No rooftop mechanicals without further site plan review, excluding solar panels.
10. There shall be a timer-controlled light at the bottom of the ramp at loading dock.
11. The Planning Board shall revisit the site to review the condition of slopes and re-vegetation, after total site construction is constructed.

**Motion by Steve Sollog:** To grant the approval and approve the decision with conditions and findings as amended during the site plan review.

**Second by Paul Kiernan**

**Vote taken 6-0-1 motion approved**

**Item 4:** Report from Chair Greenbaum

Discussion of acquiring a map of existing and proposed town water supply.

**Item 5:** Planner reported on reboot of Local Comprehensive Committee.

Mr. Kiernan asked for update on approved ADU's and documentation of compliance.

Discussion on potential By-law changes and Select Board's votes on Planning Board proposed By-law articles.

Paul Kiernan provided history on condo conversions.

Next Meeting set for 5/26/21 4:30pm

**Motion to adjourn Steve Sollog**

**Second by Paul Kiernan**

**Voted 7-0-0**

Respectfully Submitted

Steven Sollog

# **TOWN OF TRURO PLANNING BOARD**

Meeting Minutes  
July 7, 2021 – 5:00 PM  
REMOTE MEETING

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

**Members Absent:** None.

## **Other Participants:**

Barbara Carboni (Town Planner).

2020-006/SPR: Ben Zehnder (attorney), Dan Costa (architect), Brad Malo (Civil Engineer), Amy Wolf (neighbor).

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.

## **Temporary Sign Permit Application:**

**Truro Concert Committee.** Application for four signs, each 36' X 24" plus one banner. Town Planner Carboni described the application and sign locations. Applicant requested a waiver of the temporary sign fee.

Discussion about elimination of one sign (#4, at front of Town Rec Building) as driver visibility at this location is already limited, also because this application includes one too many signs with respect to the allowable limit in the Town Bylaw governing temporary sign applications.

Motion to approve signs #1 thru #3 and banner, (but eliminate sign #4):

So moved by Vice Chair Sollog, Second by Member Boleyn. Vote: Motion passes unanimously, 7-0-0.

Motion to waive sign application fee: So moved by Vice Chair Sollog. Second by Member Riemer. Vote: Motion passes unanimously 7-0-0.

## **Public Hearing**

**2020-006/SPR – Anne Labouisse Peretz, William T. Burdick & Richard C. Vanison, Trustees, Dune House Nom. Trust** for property located at 112 North Pamet Road (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 an existing single-family dwelling and 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.

This evening's discussion is a continuation of earlier hearings on this application.

Attorney Zehnder introduced a revised plan set illustrating a modified house and site design. The revised design reduces the amount of fill required on the site from 3760 CY to 560 CY by introducing a retaining wall on the downhill side of the proposed house.

Attorney Zehnder noted the following changes and developments since this project last appeared before the Planning Board, including the following:

- The new earth-retaining structures downhill of the proposed house site will consist of a two-tiered system comprised of two parallel retaining walls, each tier 5 to 5.50 feet high. The retaining walls will be comprised of reinforced masonry cores and will be faced with fieldstone. There will be a landscaping screen in front of the exposed wall faces.
- The revised site plans have been submitted to the Cape Cod National Seashore (CCNS) and a response letter (dated 6/25/21) has been received by Mr. Zehnder and Ms. Carboni indicating that CCNS has no objections to the project as it is now conceived.

Town Planner Carboni stated that Town Staff believes the application for the project satisfies the Zoning Bylaw for Residential Site Plan Approval.

Mr. Zehnder notes that drawing C2.2.1 and A-6 depict the proposed retaining wall sections. The design and construction of the retaining walls will be subject to review by the Building Department. This was followed by a discussion of Site Plan Review as opposed to Building Department Review, with regard to the composition and design of the retaining walls.

Discussion of "Mean Ground Level" as defined in Truro Bylaw Definitions. The last sentence of this definition, beginning with the word "Further..." was judged to be inapplicable to this particular application.

Discussion of “Limits of Work” with regard to season or time of day. Following commentary by Town Planner Carboni, it was agreed that construction hours should conform to standing Town limitations on construction operations and that no additional time of day operations restrictions should be placed on the project.

Findings and Conditions for possible approval of the application were then discussed, reviewed and edited by the Board, pursuant to Bylaw 70.4(D). (See approved Findings and Conditions).

Public Comment:

Amy Wolf: Appreciates the consideration and diligence given the application.

Motion to close the public hearing on this application: So moved by: Vice Chair Sollog.  
Second: Member Kiernan.

Motion passed 5-0-0 (Member Roberts and Member Althaus not eligible to vote on this application).

Motion to grant Residential Site Plan Approval at 112 North Pamet Road with Findings and Conditions as modified during the hearing:

So moved by: Vice Chair Sollog. Second: Member Boleyn.

Motion passed 5-0-0 (Member Roberts and Member Althaus not eligible to vote on this application).

### **Board Action/Review**

Discussion of revised (draft) Temporary Sign Application prepared by the Town Staff. It was agreed that the draft Temporary Sign Application submitted with this packet should be implemented immediately.

Discussion of maximum sign size.

Discussion of acceptable sign locations (i.e., private property concerns, or obstructing driver’s view).

Discussion regarding Police or highway department review of sign locations.

Discussion of waivers on sign application fees with respect to signs by Town boards and committees.

### **Board Vote**

Election of New Planning Board Officers - as follows:

Chair:	Nominee: Anne Greenbaum.	
	Nomination by: R.B. Boleyn. Second: P. Kiernan.	Vote 7-0-0
Vice Chair:	Nominee: Steve Sollog.	

Nomination by: P. Kiernan. Second: R.B. Boleyn. Vote 7-0-0  
Clerk: Nominee: Jack Riemer.  
Nomination by: R.B. Boleyn. Second: (multiple) Vote 7-0-0

Election of Representatives to other Committees:

Community Preservation Committee: Nominee: Anne Greenbaum

Nomination by: P. Kiernan. Second: R.B. Boleyn. Vote 7-0

Water Resources Oversight Committee: Nominee: Jack Riemer

Nomination by: S.Sollog. Second: R.B. Boleyn. Vote 7-0

### **Potential Bylaw Changes**

Discussion postponed to a future meeting.

### **Planner Report** (Given by Town Planner Carboni)

ADU bylaw changes voted in at last Town Meeting: Petitioned Article (i.e., ADU by Right) does go into effect immediately. With regard to other ADU changes, they may not yet be in effect until reviewed by State AG. Town Planner Carboni will review this question with Town Council.

Town Planner Carboni is reviewing 5 responses to LCPC RFP and the Town will be interviewing finalists in the near future.

Walsh site visit was cancelled last week due to weather. Site visit will be scheduled for next month. The Walsh committee is developing a community outreach plan.

Town Planner Carboni noted that the Town is moving forward with adding the Cloverleaf units (39 units) to the Town's SHI inventory.

Town Planner Carboni also noted that the Town is looking for state certification that it is in conformance with the Town's Housing Production Plan.

Member Riemer recommends that "Local Action Units" should be further explored by the Town as a means of supplementing the SHI inventory.

### **Report from Chair**

Chair Greenbaum is scheduling a work session on the Planning Board procedures and revisions to the Planning Board Handbook. Workshop is tentatively scheduled for 7/14/21.

Chair Greenbaum has requested release of the Select Board minutes related to the Article 54 memorandum.

**Next Meeting/Work Session:**

Workshop July 14, 2021 Planning Board Handbook work session.

Next regular meeting: July 21, 2021. ANR application for Horton's campground will be reviewed.

Motion to Adjourn: so moved by: Member Boleyn, Seconded by: Member Althaus. Motion passed unanimously, 7-0-0.

Meeting Adjourned  
Respectfully Submitted,

Richard Roberts





TRURO PLANNING BOARD  
Work Session July 14, 2021  
Draft Minutes

Attending: Anne Greenbaum – Chair, Steve Sollog – Vice Chair, Ellery Althaus, Bruce Boleyn, Rich Roberts, Jack Riemer, Paul Kiernan, Barbara Carboni – Town Planner

Role of Board Members/Planner – Clarify roles of Board, Board Members, Town Planner

- 1) When acting as a Planning Board member what is the scope of our responsibilities, this can be challenging to identify especially given the knowledge base of the different members -
  - a) Rich Roberts is civil engineer and is example of very useful knowledge/skill set that is very useful and there are questions that come up for him that are not within Planning Board scope
  - b) Barbara is helpful with this, helping us stay in our lane
- 2) Barbara – always informed by
  - a) process is always respected &
  - b) outcome is defensible
- 3) Clarification of who should be requesting information in different situations/what should process be
  - a) From Town Staff – Requests to go thru Planner with cc to Chair
    - i) Helpful to include why requesting information
    - ii) Prevents redundant/conflicting requests
    - iii) Makes staff life easier
    - iv) Response and original question provided to the entire Board
      - (1) Ensures that all members are receiving the same information – this is critical part of process
    - v) True of other Boards as well
  - b) From staff of other government agencies or organizations
    - i) General Information
      - (1) Member can ask directly
        - (a) Importance of members doing research to improve own knowledge and share with Board when find useful information
        - (b) Barbara asked Cape Cod Commission before this meeting – they are very open to Board members reaching out for information
        - (c) Very helpful to have an ongoing list of useful resources – maybe in Handbook?
    - ii) Related to specific application in front of the Planning Board
      - (1) Town Planner – this is different because part of a hearing and not negotiable
        - (a) Key concepts
          - (i) Board acts as unit in reviewing applications
          - (ii) Having information shared with public, applicant and entire Board at the same time is higher priority than “efficiency”

- (b) Therefore, needs to go thru Town Planner
- (c) This can slow down the process if need to wait for meeting to ask the question
  - (i) Town Planner – efficiency not the most important value of the Hearing process, **everyone having access to the information at the same time is more important.**
  - (ii) Public Hearing involves all Board members and public getting the information at the same time
  - (iii) Can/should send question to Planner if question comes up during review of material outside Board meeting and Planner can provide information at next Planning Board meeting.
- (d) The Board acts together in reviewing applications, therefor not appropriate for individual members to be requesting information from other organizations.
- iii) If Board members collect information they think is relevant they must send to Barbara prior to meeting so it can be shared with Board, public and applicant
  - (1) Question raised about peer review situation –(i.e., Hydrology study) – that is not what being discussed here

#### Discussion of Small Work Groups -

- Housing – Anne, Ellery
- Revision of Handbook – short term group – Anne, Liz
  - Links to information for Eastham Select Board -Resources for Board members
  - Department of Housing and Community Development (DHCD) another good source of information
  - Important to have content information (timelines etc.) in addition to process information.

Site Visit Horton's Campground – Tuesday July 20, 2021, 2:30 pm

Motion to Adjourn - Paul Kiernan Second – Steve Sollog

In Favor – Anne Greenbaum, Steve Sollog, Paul Kiernan, Rich Roberts, Jack Riemer, Bruce Boleyn, Ellery Althaus

# **TOWN OF TRURO PLANNING BOARD**

Meeting Minutes  
July 21, 2021 – 5:00 PM  
REMOTE MEETING

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

**Members Absent:** None

**Other Participants:** None

Remote meeting convened at 5:03 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**

**2021-004/PB – A-C Mobile Home Park, Inc.** 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 10 Old Dewline Road and 67 South Highland Road, Truro, MA, Map 37/Parcel 19 and Map 37/Parcel 15.

Town Planner Carboni stated that she had discussed the application with Counsel for the Applicant, Don Nagle, and noted several omissions from the application that need to be addressed before the Planning Board can consider this application. It was agreed that review of this application of the Planning Board would be deferred to the Board's August 18, 2021 meeting in order to allow the applicant to address missing information in this application.

Missing information noted by Town Planner Carboni includes:

- Lots subdivided from the campground are identified only as "Mitigation Areas"
- Further notations need to be made that these lots divided from the campground are not buildable.
- Plan represents that "Mitigation Areas" will be conveyed to the Truro Conservation Trust; however this is not presently assured.
- The required checklist is missing from the application.

- Acreage discrepancy between this submission and the Assessor's office.
- Submitted plan does not identify the current owner.
- Frontage figures are not provided on the plan.

The availability of historic information on this property was discussed. Town Planner Carboni will review this request and determine if historic information on past actions involving this property are relevant to this application and can be released to the Planning Board.

Additional comments from other Planning Board Members regarding the current application:

- It was noted by Member Riemer that the Subdivision Rules and Regulations (paragraph 2.2.2.2) require that the map and parcel of all land and abutting land be indicated on the submitted plan.
- Member Riemer noted that the name of ways upon which lots front, the Ownership, physical condition, surface type and condition of those ways is not shown on the plan (2.2.2.6).
- Member Riemer noted that a minimum front yard setback of 50 feet is also required for side setbacks which are adjacent to another road.

Review of this ANR application will be continued to the August 18, 2021 Planning Board meeting in order to allow the applicant to address the missing information noted above.

### **Discussion of Potential Bylaw Changes**

A draft timeline for getting Articles to the Town Warrant for 2022 was discussed. The following dates are relevant:

Town Meeting is scheduled for Tuesday April 26, 2022.

Warrant Opens January 26<sup>th</sup> and Closes February 25, 2022.

Public Hearings on proposed articles should preferably be conducted prior to the Warrant Closing, however hearings can be held after the Warrant closes, if necessary.

Discussion centered on identifying issues and various means of soliciting public reaction and input to potential and/or proposed bylaw changes early in the process (i.e., community engagement).

**Planner Report** (Given by Town Planner Carboni)

Hybrid meetings: Town Planner Carboni noted that the Town is obtaining and setting up equipment to facilitate hybrid meetings. No specific dates or instructions for implementation have been developed as of yet.

The Local Comprehensive Plan Committee (LCPC) has received 5 proposals in response to their RFP for a consultant. The selection process will be finalized next week.

The Walsh site visit was recently conducted. The Walsh committee is about to begin public engagement. Member Kiernan inquired about what has been done regarding surveying the property and existing houses on the property.

**Chair Report** (Given by Chair Greenbaum)

Working group of Chair Greenbaum and Member Althaus will be meeting to discuss housing issues.

Chair Greenbaum is working with Town staff on Planning Board Handbook updates.

**Board Public Workshops**

Upcoming meeting schedule was reviewed. Topics for upcoming work sessions were reviewed. Model bylaw regarding Flood Management was discussed and will be reviewed in an upcoming work session. Other topics for future work sessions: Lot Coverage, Subdivision Rules and Regulations, Planning Board Handbook, Carbon Sequestration.

**Next Meeting/Work Session**

Wednesday Aug 4, 2021, 5:00 PM

This meeting abbreviated due to severe thunderstorm watch currently in effect for the Truro area.

Motion to Adjourn, motion passed 7-0-0 (unanimous).

Meeting Adjourned

Respectfully Submitted,

Richard Roberts



**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



**TOWN OF TRURO  
PLANNING BOARD**  
Work Session Minutes  
October 13, 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

Remote meeting convened at 5:00 pm by Chair Greenbaum who read the detailed instructions for citizens interested in watching/listening to this remote work session.

**Board Action/Review**

- ◆ 2022 Planning Board Meeting Schedule – Board reviewed and approved as amended.

**1. Planner Report** (no report given)

**2. Chair Report** (no report given)

**3. Potential Bylaws for 2022 ATM**

- ◆ Lot Coverage/Carbon Sequestration
  - Members Kiernan and Roberts will present their joint findings for a potential bylaw at the next meeting; discussion will be held at that time.

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

- ◆ Member Kiernan, responding to the draft perspective handouts from Chair Greenbaum, stated that the words “water” and “protected” are key. He stated that we have a chance, at this point in time, to protect the water and keep our costs of living down. He agreed with the Chair’s language and shared his thoughts.
- ◆ Clerk Riemer discussed infrastructure costs.
- ◆ Chair Greenbaum spoke about framing the big picture regarding development and infrastructure.
- ◆ Member Roberts stated he agrees with the Chair’s description, it is a fair framing, and that it is of paramount concern. He would like to present this to the LCPC with some discussion of all the key issues: Resiliency, Sustainability, Housing, Floodplain Management, Condominium Conversions, Lot Coverage, House-size Limits, as examples.
  - Member Althaus agrees and suggests it is even more under the purview of the Board of Health. Also need to consider buildout which is more an LCPC area.
- ◆ Clerk Riemer discussed the 2014 Weston & Sampson Integrated Water Resources Management Plan and his thoughts regarding buildout, condo conversion, new ADU bylaw, the 2018 Weston & Sampson Integrated Water Resources Management Plan Phase

II planning going forward. Having a future presentation to the Board by former WROC Chair, Kevin Kuechler, regarding water and impact on planning was discussed.

- ◆ Member Kiernan asked how do we keep a year-round, sustainable human population in our Town and still make sure we can drink the water?
- ◆ Clerk Riemer stated year-round population/population explosion is important for the LCPC to consider.
- ◆ Chair Greenbaum asked Town Planner Carboni for an update on the LCPC survey results. Town Planner Carboni stated that Kelly Clark had 285 responses as of this afternoon. Timeframe for responses is typically 4-6 weeks. The survey will be republicized around the end of October. Clerk Riemer suggested the survey be publicized by Brian Boyle in his newsletter.
- ◆ Chair Greenbaum reiterated to the Board regarding development/water and other issues that it is not usually an either/or situation – it is both. Clerk Riemer gave his thoughts regarding water overall and its importance to everything in the Seashore and residential areas now and in the future. Member Althaus clarified his thoughts/points regarding water treatment options in the future. Chair Greenbaum agreed that it is complicated and should be approached that way, and that Member Althaus gave a perfect example. Clerk Riemer offered more thoughts on this subject.
- ◆ Town Planner Carboni stated these issues have the attention of Town Staff.

## **5. Draft Handbook Discussion**

- ◆ Chair Greenbaum asked the Board to review the Handbook and send any thoughts to the Planning Department Administrator for collection; information will be forwarded to the Chair for review.

## **Minutes**

- |                     |                      |
|---------------------|----------------------|
| ◆ July 27, 2020     | ◆ September 16, 2020 |
| ◆ August 5, 2020    | ◆ September 30, 2020 |
| ◆ August 11, 2020   | ◆ October 7, 2020    |
| ◆ August 26, 2020   | ◆ October 14, 2020   |
| ◆ September 2, 2020 | ◆ September 29, 2021 |

Due to meeting time constraints, the above Minutes, which were not reviewed, will be added to the October 20 Agenda.

Chair Greenbaum asked for a motion to adjourn. Motion made by Clerk Riemer 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  
October 20, 2021 – 5:00 pm  
REMOTE MEETING

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

Members Absent: None

Other Participants: Barbara Carboni – Truro Town Planner/Land Use Counsel

Remote meeting convened at 5:02 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.

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

- ◆ Walsh Property – Town signed a contract with Tighe & Bond, the LCP Consultant, to do a flexibility assessment for the property, which is a review of regulatory and other constraints on use/uses of the property. Expected within 6 weeks.
- ◆ Economic Development Committee – will be part of the Tighe & Bond team to create an Economic Development Plan. This Committee is still in the organizational phase.

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

- ◆ Climate Action Committee – Chair Harris would like a joint workshop with the Planning Board. Chairs will review their schedules.

**3. Potential Bylaws for 2022 ATM**

- ◆ Lot Coverage/Carbon Sequestration
  - Chair Greenbaum stated that Members Kiernan and Roberts are jointly working on this. Member Kiernan asked the Board to refer to the worksheet with the red additions. He and Member Roberts researched relevant existing bylaws in neighboring towns. Member Kiernan explained the worksheet and the purpose of its contents for each section. Members Kiernan and Roberts stated what they hope to do/accomplish with those bylaws. Discussion followed.
  - Lot coverage, second worksheet, Board discussed square footage, percentage for setbacks, site clearing, coverage regulations, enforcement, green space. Chair Greenbaum suggested Members Kiernan and Roberts refine what has been presented here for their next meeting.

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

- ◆ Referring to the Draft Perspective distributed by Chair Greenbaum, Member Riemer referred to the Cape Cod Commission Regional Policy Plan's Executive Summary for key areas.

## **5. Draft Handbook Discussion**

- ◆ Chair Greenbaum asked the Board to review the Handbook and send any thoughts to the Planning Department Administrator for collection; information will be forwarded to the Chair for review.

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

- ◆ July 27, 2020 Work Session – Corrections discussed. Members Althaus and Roberts 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 Kiernan; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Members Althaus and Roberts abstained. So voted: 5-0-2.
- ◆ August 5, 2020 Meeting – Corrections discussed. Members Althaus and Roberts not eligible to vote on these Minutes as they were not on the Board at that time; Member Boleyn not eligible to vote on these Minutes as he was not present at this meeting. Motion to Approve as Amended made by Vice Chair Sollog, seconded by Member Kiernan; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Members Althaus, Roberts, and Boleyn abstained. So voted: 4-0-3.
- ◆ August 11, 2020 Work Session – Corrections discussed. Members Althaus and Roberts not eligible to vote on these Minutes as they were not on the Board at that time. Motion to Approve as Amended made by Member Kiernan, seconded by Vice Chair Sollog; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Members Althaus and Roberts abstained. So voted: 5-0-2.
- ◆ August 26, 2020 Work Session – Corrections discussed. Members Althaus and Roberts 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 Kiernan; no further discussion. Chair Greenbaum asked for a roll-call vote; Voted all in favor, Members Althaus and Roberts abstained. So voted: 5-0-2.
- ◆ September 2, 2020 Meeting – Corrections discussed. Members Althaus and Roberts not eligible to vote on these Minutes as they were not on the Board at that time; Chair Greenbaum and Member Boleyn not eligible to vote on these Minutes as they were not present at this meeting. Motion to Approve as Amended made by Vice Chair Sollog, seconded by Member Kiernan; no further discussion. Chair Greenbaum asked for a roll-call vote per the Rule of Necessity; Voted all in favor, Members Althaus, Roberts, Boleyn, and Chair Greenbaum abstained. So voted: 3-0-4

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

Due to meeting time constraints, the above Minutes, which were not reviewed, will be added to the October 27 Agenda.

Chair Greenbaum asked for a motion to adjourn. Motion made by Member Kiernan with a second by Member Boleyn. No further discussion. Chair Greenbaum asked for a roll-call vote. Voted all in favor. So voted: 7-0.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy