



Truro Planning Board Agenda

Wednesday, March 4, 2020 – 5:00 pm

Truro Select Board Meeting Room

Truro Town Hall

24 Town Hall Road, Truro, MA 02666

Open Meeting

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.

Public Hearing – Continued

2019-006/PB – Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Subdivision Plan of Land, pursuant to G.L. c. 41, §81S and §2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8.

2020-001/PB – Nathan A. Nickerson III seeks approval of a Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, §81T 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.

Request to continue to April 1, 2020

Public Hearing

Zoning Bylaw Amendments – pursuant to G.L. c.40A – amend the following sections of the Town of Truro Zoning Bylaws:

- Section 10.4 Definitions: to add a definition for food trucks and remove the definition for affordable accessory dwelling units (subsequently replaced with accessory dwelling units).
- Section 30.2 Use Table: add food trucks to the use table as a Special Permit use in all zones and grandfather existing locations.
- Section 30.9 Parking: allow waiver of parking requirements by Special Permit.
- Section 40.2 Accessory Dwelling Units: allow waiver of parking requirements; alter or remove application requirements; remove language about appeals; correct reference to the General Bylaws.
- Section 70.3 Commercial Development: reduce the number of required copies of applications.
- Section 70.4 Residential Development: reduce the number of required copies of applications.
- Section 70.6 Recording of Decision: alter the procedure for the submittal of recorded decisions.
- Section 70.9 Waiver of Site Plan Review: allow waivers for new structures; clarify conflicting language regarding Residential Site Plan Review; and alter submittal procedures.

The Board will formulate a report to Town Meeting with recommendations as to whether the members favor or oppose the proposal.

Board Action/Review

2020-005/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 20 Perry Road, Map 45, Parcel 127.

2020-006/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, Map 45, Parcel 131.

Review of the Cloverleaf Truro Rental Housing Comprehensive Permit application under MGL Ch. 40B to formulate comments for submittal to the Zoning Board of Appeals.

Update on past Work Sessions/Public Meetings.

Dates for future Work Sessions/Public Meetings.

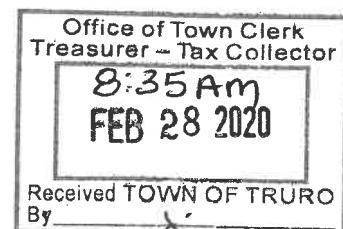
Approval of Minutes

August 14, 2019
October 9, 2019
November 6, 2019

Next Meeting

Wednesday, March 18, 2020, at 5:00 p.m.

Adjourn



PUBLIC HEARING(S)



Planning Board

Town of Truro

24 Town Hall Road
Truro, MA 02666
(508) 349-7004

Date: February 19, 2020
To: Truro Select Board
From: Truro Planning Board
Re: Proposed Zoning Bylaw Amendments for the 2020 Annual Town Meeting

The Truro Planning Board (hereafter “Board”) met at a duly posted public meeting on February 12, 2020 to review proposed amendments to the Town of Truro Zoning Bylaw. The Board voted unanimously to refer the following amendments for your review pursuant to MGL Ch. 40A §5. We look forward to bringing these amendments to the Town Meeting body this April.

Many of these amendments further the Board’s goal to streamline permitting, including the issuance of ADU permits. Others acknowledge conditions and uses that exist today and create reasonable public review processes. This has been part of the Boards work over the past year to make permitting processes clearer and more efficient for the applicant and the Board while continuing to provide protection for Truro’s character, environment, and residents. The articles are presented here with an explanation of each proposed amendment. We are happy to answer any additional questions you may have.

The Board greatly appreciates your consideration, and we hope to receive your support.

Sincerely,

Anne Greenbaum, Chair

Proposed Zoning Bylaw Amendments

For the 2020 Annual Town Meeting

Referred to the Truro Select Board on Wednesday, February 12, 2020

Additions in underline. Deletions in cross-through.

For questions, contact Town Planner Jeffrey Ribeiro at jribeiro@truro-ma.gov.

Article ___:

To amend §10.4 Definitions by the addition of:

Food Truck: A motorized truck, towable trailer, or cart that is licensed by the Town of Truro to sell or distribute food to consumers.

And to amend §30.2 Use Table by the addition of:

PRINCIPAL USES							
	R	BP	NT6A	TC	NTC	Rt6	S
COMMERCIAL							
<u>Food Trucks (12)</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>

NOTES

12. A Special Permit shall not be required for any location having received a permit for the operation of a Food Truck from the Town of Truro Select Board prior to April 28, 2020.

And to amend §30.9 Parking by the addition of:

PRINCIPLE USE	PARKING REQUIREMENT
RESIDENTIAL	
<u>Food Trucks</u>	<u>2 spaces per food truck</u>

Explanation:

This article recognizes food trucks as a land use and provides reasonable, flexible measures for public review. The Zoning Bylaw (hereafter “ZBL”) does not currently include food trucks as a use, and thus food trucks are likely not allowed despite having

existed throughout town for many years. Most notably there is a history of food trucks at Town beaches in the Residential and Seashore districts. This article defines and legalizes the use while grandfathering existing locations, provides for noticed public hearings before the Zoning Board of Appeals for any new location proposed, and adds reasonable parking requirements. The act of adding the use also brings clarity to the existing practice of requiring Commercial Site Plan Review for new locations.

Article ___:

§ 30.9 Parking

C. Off Street Parking Schedule:

2. These standards are the minimum requirement. The Planning Board under Site Plan Review, or the Zoning Board of Appeals by Special Permit when Site Plan Review is not required, may vary the required number of spaces if the nature and scale of a proposed use warrants such a change.

Explanation:

This article provides a process for the modification of parking requirements. Currently these requirements can be modified during Site Plan Review, but there is not a mechanism for projects that do not require Site Plan Review. This article allows modifications to be issued by the Zoning Board of Appeals after a noticed public hearing.

Article ___:

§ 40.2 Accessory Dwelling Unit

C. ADU Permit Criteria

3. At least two (2) off street parking spaces in addition to parking otherwise required for the property is required for an ADU. This requirement may be reduced or waived at the discretion of the Planning Board.

Explanation:

This article allows for reduction of the parking requirement for ADUs as part of the noticed public hearing process for ADU permits. It recognizes that unforeseen circumstances may exist to justify the requirement is unnecessary and creates a hardship for homeowners looking to add an ADU to their property. For instance, some small ADUs may clearly be intended for one person and not require 2 parking spaces.

Article ___:

§ 40.2 Accessory Dwelling Unit

D. Procedure

1. Each application for a Permit shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and ~~14~~ 9 copies of the Application for ADU Permit;
 - b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information under §40.2

Explanation:

This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Article ___:

§ 40.2 Accessory Dwelling Unit

D. Procedure

- ~~f. Documentation of approval of the septic/wastewater treatment system from the Board of Health.~~
- ~~i. Documentation of approval, if applicable, from the Conservation Commission.~~
- ~~j. Documentation of Special Permit or Variance, if applicable, from the Zoning Board of Appeals.~~

Explanation:

This article eliminates submittal requirements that are not germane to the jurisdiction of the Planning Board in their review of ADU permit applications. It does not eliminate the need for ADUs to receive all necessary permits. The Building Commissioner and Health/Conservation Agent will continue to review these requirements through the building permit process. Additionally, the submittal requirements to be eliminated currently require that the Planning Board must always be the final regulatory board to review ADUs when it may be logical to go in an alternate order under certain circumstances.

Article ___:

§ 40.2 Accessory Dwelling Unit

D. Procedure

g. Building floor plans at a scale of no less than 1/8" = 1'-0", ~~including floor plans and front, side and rear elevations of the ADU and principal dwelling or structure.~~

h. For ADUs proposed in a new structure or that require the modification of the exterior of an existing structure, building elevations at a scale of no less than 1/8" = 1'-0" of the dwelling or structure that contains the ADU.

i. Photographs of the exterior of the existing principal dwelling taken from the north, south, east, and west.

j. For ADUs proposed within an existing accessory structure, photographs of the exterior of the existing accessory structure taken from the north, south, east, and west.

Explanation:

This article eliminates the need for ADU permit applications to include building elevation plans for proposals where there are no exterior changes to a building proposed. This is an unnecessary cost to applicants, and existing conditions can easily be documented with photographs.

Article ___:

§ 40.2 Accessory Dwelling Unit

F. Findings of the Planning Board

~~2. The permit decision is not appealable.~~

Explanation:

This article recognizes that a town cannot deny appeal rights through stating such in a zoning bylaw. Any discretionary permit (including an ADU permit) issued through zoning is appealable under state law by either the applicant or another interested party. Further, the current language may create confusion regarding the particular type of court appeal that should be filed resulting in additional unnecessary legal costs to the applicant, the Town, or both.

Article ___:

§ 40.2 Accessory Dwelling Unit

H. Requirements for Tax Exemption

Qualifying ADUs permitted under this section are eligible to seek tax abatement pursuant to Chapter I, Section ~~10~~11 of the Truro General Bylaws, Tax Exemption for Affordable Accessory Dwelling Units.

And to amend §10.4 Definitions by deleting in its entirety:

~~Dwelling Unit, Affordable Accessory. A rental dwelling unit either detached from or located within or attached to a principal dwelling, principal structure, garage, containing at least four hundred (400) square feet but not more than one thousand four hundred (1,400) square feet of Gross Floor Area. Accessory unit shall be restricted to remain affordable by conditions attached to the Special Permit issued by the Planning Board and be occupied by income-eligible households determined in accordance with HUD Income and Fair Market Rental Guidelines. (04/07)~~

Explanation:

This article corrects a scrivener's error referencing the General Bylaws and removes an obsolete definition for Affordable Accessory Dwelling Units. The ZBL previously contained provisions for Affordable ADUs, but this was replaced with the adoption of the current ADU bylaw.

Article ___:

§ 70.3 Commercial Development

D. Procedures and Plan Requirements

1. Each application for Commercial Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and ~~14~~ 9 copies of the Application for Site Plan Review;
 - b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

Explanation:

This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Article ___:

§ 70.4 Residential Development

C. Procedures and Plan Requirements

1. Each application for Residential Site Plan Review shall be filed by the Applicant with the Town Clerk consisting of:
 - a. An original and ~~14~~ 9 copies of the Application for Site Plan Review;
 - b. ~~15~~ 10 paper copies and one digital copy of the required plans and other required information per subsection 3 below;

Explanation:

This article reduces the required number of physical copies of applications and adds requirements for the submittal of digital copies. Most applications are distributed to Town staff electronically, reducing the need for paper copies.

Article ___:

§ 70.6 Recording of Decision

It shall be the responsibility of the applicant to obtain a true attested copy of the decision from the Town Clerk. The applicant shall be responsible for recording the Planning Board Commercial or Residential Site Plan decision at the Barnstable Registry of Deeds or Land Court, as applicable. Prior to the issuance of a building permit, the applicant shall present evidence of such recording to the Building Commissioner and the ~~Planning Board Secretary~~ Planning Department.

Explanation:

This article acknowledges that filings are currently being handled by professional staff at Town Hall and brings the ZBL in line with this practice.

Article ___:

§ 70.9 Waiver of Site Plan Review

The Planning Board may determine at its discretion without a public hearing that submission of a Commercial ~~or Residential~~ Site Plan review application is not required when the alteration or reconstruction of an ~~existing~~ building or structure or new use or change in use will not have a significant impact: within the site or in relation to adjacent

properties and streets; on pedestrian and vehicular traffic; on public services and infrastructure, or on unique environmental and historic resources, abutting properties; or community needs. Site Plan Review shall not be waived in the Seashore District.

(4/17)

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

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

Explanation:

This article does three things:

1. It clarifies that Residential Site Plan Review cannot be waived because Residential Site Plan Review is only required in the Seashore district, and the bylaw states that Site Plan Review cannot be waived in the Seashore district.
2. It allows for the waiver of Commercial Site Plan Review for new buildings that do not create significant impacts. For example, the ZBL currently allows a waiver for a 2,000 sq. ft. addition to an existing commercial building, but it does not allow a waiver for a new 200 sq. ft. shed.
3. It acknowledges that filings are currently made with the Town Clerk and brings the ZBL in line with this practice.

BOARD ACTION/REVIEW

Jeffrey Ribeiro

From: Jonathon Idman <jidman@capecodcommission.org>
Sent: Tuesday, February 25, 2020 4:14 PM
To: Jeffrey Ribeiro
Subject: FW: Truro Planning Board Case No. 2018-004PB (Claire Perry- Preliminary Plan)

Jonathon Idman
Chief Regulatory Officer
Cape Cod Commission
3225 Main Street, P.O. Box 226
Barnstable, Massachusetts 02630
508/ 744-1260

From: Jessica D. Bardi <JBardi@k-plaw.com>
Sent: Thursday, September 20, 2018 11:12 AM
To: Jonathon Idman <jidman@capecodcommission.org>
Subject: RE: Truro Planning Board Case No. 2018-004PB (Claire Perry- Preliminary Plan)

Hi Jon:

The applicant decided to withdraw the application for a preliminary subdivision plan. Ben Zehnder explained that he will be conducting a title search of the parcels to determine ownership in or around September 1994.

I'll keep you aware of further correspondence on this matter.

Thanks,

Jess

Jessica D. Bardi, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654 1723
F: (617) 654 1735
jbardi@k-plaw.com
www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

From: Jonathon Idman [<mailto:jidman@capecodcommission.org>]
Sent: Thursday, September 13, 2018 8:31 AM
To: Jessica D. Bardi <JBardi@k-plaw.com>
Subject: Truro Planning Board Case No. 2018-004PB (Claire Perry- Preliminary Plan)

Dear Ms. Bardi:

As I understand it, you are currently serving as the Town of Truro's interim planner. A member of the planning board contacted me yesterday requesting any information the Cape Cod Commission might have regarding the above-referenced matter. The land that is the subject of that proposed preliminary plan was once part of a larger assemblage of land, in excess of 30 contiguous acres, owned by John S. and Lucy Perry. That larger assemblage of land was the subject of two cases previously referred by the planning board to the Cape Cod Commission for development of regional Impact review. I've attached copies of the Commission's files in those two cases (1995 and 2000), both of which were withdrawn from consideration by the town and Commission apparently after the owner(s)/ applicant(s) learned that the land division proposals would require Cape Cod Commission review and approval in addition to town review and approval.

I've cited the relevant development of regional impact (DRI) review threshold immediately below, which basically establishes mandatory Cape Cod Commission jurisdiction over proposed land divisions involving contiguous land in single ownership or control (or common ownership or control if the assemblage of land is composed of multiple parcels):

"...Any proposed development that meets or exceeds the thresholds adopted below shall be referred to the Commission as a DRI: ... (c) Any development that proposes to divide parcel(s) of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots...."

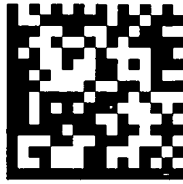
I believe that, under the foregoing review threshold, the Commission maintains (as it did in the earlier cases for which I provided you the case files) mandatory jurisdiction over division of the land proposed in the above referenced matter before the planning board because that proposal involves the division of land that is part of a larger assemblage of contiguous land exceeding 30 acres, held in single or common ownership on or after September 30, 1994.

That said, the matter is complicated by the fact that the planning board, notwithstanding the 1995 and 2000 land division proposals that were withdrawn, apparently approved several ANR divisions or subdivisions of the larger assemblage of land between 2005 and 2009 (including the creation of new road layouts), where I believe the proposals should have been referred to the Cape Cod Commission for DRI review (as the 1995 and 2000 matter were) and were not. Certain lots were then conveyed out based on those land division plans, and current ownership of the once larger assemblage of land is now 'checkerboarded.'

It might be best if we discussed these issues in advance of further planning board meetings on the above-referenced matter.

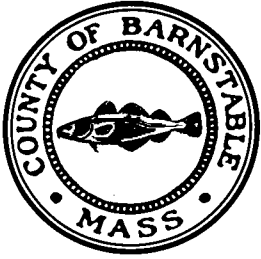
Thank you.

Jonathon D. Idman
Chief Regulatory Officer
Cape Cod Commission
3225 Main Street, P.O. Box 226
Barnstable, Mass. 02630
508/744-1260



New File

Perry Subdivision
TR 05008



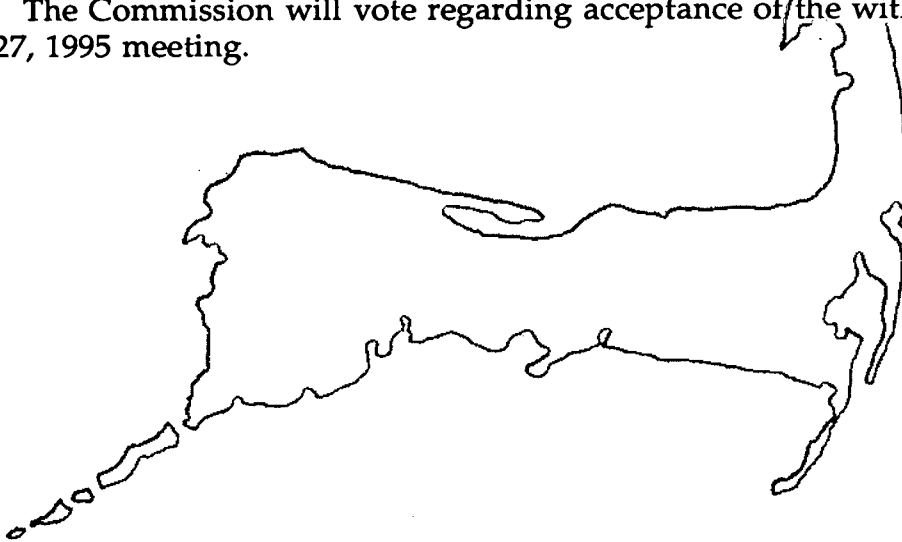
CAPE COD COMMISSION

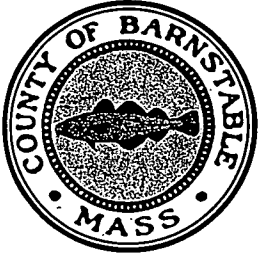
3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

Project: Perry Subdivision
TR95008

MINUTES

On April 19, 1995 at 10 am in the Cape Cod Commission offices, Sarah Korjeff, Commission staff planner, opened and closed a hearing on the Perry Subdivision for procedural purposes. No presentatians were made, no testimony was taken, and no substantive action was taken regarding the project at this hearing. The project has been withdrawn from the Cape Cod Commission and the Truro Planning Board. The Commission will vote regarding acceptance of the withdrawal at their April 27, 1995 meeting.





CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

HEARING NOTICE CAPE COD COMMISSION

A hearing officer for the Cape Cod Commission will open a public hearing on Wednesday, April 19, 1995 at 10:00 a.m. at the Cape Cod Commission, 3225 Main Street, Barnstable, MA. The following Development of Regional Impact (DRI) has been referred to the Cape Cod Commission under Section 3 of the DRI Enabling Regulations. This development will be heard pursuant to Section 13(a) of the Cape Cod Commission Act. The project will be considered for a DRI approval. This notice is being published as required by Section 5 of the Cape Cod Commission Act.

Project Name: Perry Subdivision

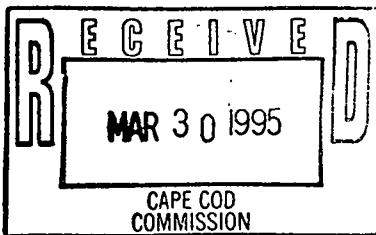
Project Applicant: Stephen R. Perry

Project Location: (Truro Atlas Sheet 45, Parcel 57), Truro, MA

Project Description: Subdivision of residentially zoned land exceeding 30 acres

NOTE: The purpose of this hearing will be to open and continue the DRI hearing. No presentations will be made, no testimony will be taken and no substantive action will be taken regarding this project at this hearing. At a future date the hearing process will resume. Subsequent notice will be provided.

The application, plans and relevant documents may be viewed at the Cape Cod Commission office at 3225 Main Street, Barnstable, MA 02630 between the hours of 8:30 a.m. and 4:30 p.m. For further information please contact the Commission office at: (508) 362-3828.



March 30, 1995

Sara Korjeff/Planner
Cape Cod Commission
3225 Main Street
P.O. Box 226
Barnstable, MA 02630

RE: **Planning Board Referral of Preliminary Subdivision Plan for Perry Land**

Dear Ms. Korjeff:

You are aware, the Perry Family recently submitted a Preliminary Subdivision Plan to the Truro Planning Board. The Planning Board referred the subdivision to the Cape Cod Commission as a development of a regional impact under the Cape Cod Commission Act. The referral resulted in an informal discussion with members of the Cape Cod Commission staff which suggested various studies be conducted prior to the development of our property. These studies included, but were not limited to nitrate loading studies, habitat studies, and traffic studies. At this time, the Perry family does not possess the financial resources to fund such studies, and as a result, we are withdrawing the subdivision plan from the Truro Planning Board and the application to the Cape Cod Commission.


The Perry Farmland has been owned by the Perry family for many decades. We have always considered ourselves to be good stewards of the land. Apparently unknown to the Commission or its staff are the substantial donations of land we have made to the Town of Truro in the past, some of which are now the Town's public beaches. I myself have served in public office as a Selectman. We are dismayed by the treatment of our estate planning needs by the Commission and its staff.

As you know, the preliminary subdivision plan which was filed before the Town of Truro Planning Board was submitted for estate planning purposes, in order to carve out one or two lots for elderly family members, and to preserve whatever rights our family has under a constantly evolving local and county land use policy.

We regret that the commission displays little sensitivity to Cape Cod families such as ourselves who have been a part of Cape Cod History. When staff members such as Dorr Fox suggest that we can not do "anything" with our property unless the Perrys agree to put aside 60% of their uplands in conservation, we have little alternative but to pursue other estate planning alternatives to meet our aging parents' needs. We cannot afford to lose our farm to estate taxes, nor can we donate large amounts of our estate to satisfy Mr. Fox's desire for open space. We are not developers or land speculators, and are merely trying to hold on to our family's home and livelihood. The Cape Cod Commission should recognize such distinctions, but apparently does not.

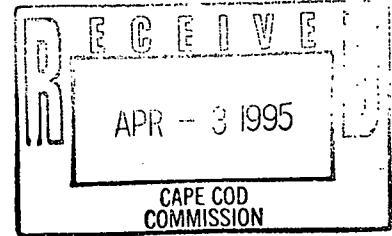
Therefore, we withdraw our application before the Cape Cod Commission, without waiver or prejudice to any and all rights that we have.

Very truly yours,


Stephen R. Perry
For The Perry Family

cc: Betsy Brown, Chairwoman
Planning Board
Steve Williams, Building Inspector
Cynthia Slade, Town Clerk
Ken Brock, Commission Representative

March 30, 1995



Truro Planning Board
Town Hall
Truro, MA 02666

Re: Planning Board Referral of Preliminary Subdivision Plan
for Perry Land

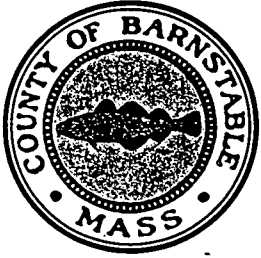
Dear Members:

This is to advise you that we have withdrawn the above preliminary subdivision plan before the Cape Cod Commission; please see enclosed letter to Sara Korjeff of the Commission. We are heretowith withdrawing the preliminary subdivision plan from before you accordingly.

Very truly yours,

Stephen R. Perry
For The Perry Family

cc: ✓ Sara Korjeff/Planner
Cape Cod Commission
Steve Williams, Building Inspector
Cynthia Slade, Town Clerk
Paul Guida, DRI liaison



CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

HEARING NOTICE CAPE COD COMMISSION

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Project Name: Perry Subdivision

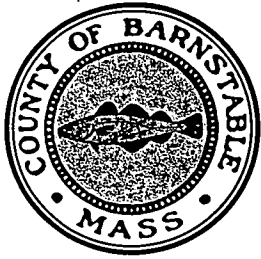
Project Applicant: Stephen R. Perry

Project Location: (Truro Atlas Sheet 45, Parcel 57), Truro, MA

Project Description: Subdivision of residentially zoned land exceeding 30 acres

NOTE: The purpose of this hearing will be to open and continue the DRI hearing. No presentations will be made, no testimony will be taken and no substantive action will be taken regarding this project at this hearing. At a future date the hearing process will resume. Subsequent notice will be provided.

The application, plans and relevant documents may be viewed at the Cape Cod Commission office at 3225 Main Street, Barnstable, MA 02630 between the hours of 8:30 a.m. and 4:30 p.m. For further information please contact the Commission office at (508) 362-3828.



CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

March 30, 1995

Stephen R. Perry
P.O. Box 1016
Truro, MA 02666

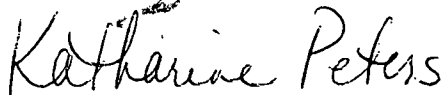
Re: Perry Subdivision

Dear Mr. Perry:

Pursuant to Section 5 of Chapter 716 of the Acts of 1989, as amended, and Sections 9(e) & (f) of its Enabling Regulations the Cape Cod Commission has published notice of a public hearing regarding your project in the Cape Cod Times and in the Cape Codder. Per Section 6 of the Commission's Administrative Regulations, the applicant is responsible for the actual cost of these notices. An invoice will be sent directly to your attention by the Cape Cod Times. A copy of the billing received from the Cape Codder will be forwarded to you when received. At that time, please remit the amount due, payable to the Barnstable County Treasurer, to the address listed above.

Please contact me if you have any questions. Thank you for your attention to this matter.

Very truly yours,



Katharine Peters

Katharine Peters
Commission Clerk



Truro Planning Board

TRURO, MASSACHUSETTS

February 18, 1995

Mr. Kenneth Brock, Chairman
Cape Cod Commission
3225 Main Street
P.O. Box 226
Barnstable MA 02630

Dear Mr. Brock:

At the last meeting of the Planning Board on February 15th, the members unanimously voted to forward the Preliminary Plan of Stephen R. Perry consisting of more than 30 acres (Truro Atlas Sheet 45, Parcel 57) to the Cape Cod Commission for a mandatory review.

Very truly yours,

Betsey A. Brown, Chair

Don
Original for
your files
2



Truro Planning Board

TRURO, MASSACHUSETTS

February 18, 1995

Mr. Kenneth Brock, Chairman
Cape Cod Commission
3225 Main Street
P.O. Box 226
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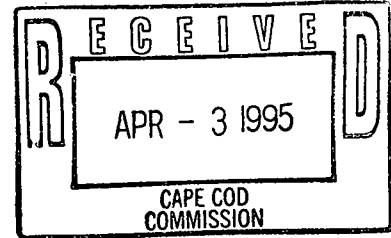
Dear Mr. Brock:

At the last meeting of the Planning Board on February 15th, the members unanimously voted to forward the Preliminary Plan of Stephen R. Perry consisting of more than 30 acres (Truro Atlas Sheet 45, Parcel 57) to the Cape Cod Commission for a mandatory review.

Very truly yours,

Betsey A. Brown, Chair

March 30, 1995



Truro Planning Board
Town Hall
Truro, MA 02666

Re: Planning Board Referral of Preliminary Subdivision Plan
for Perry Land

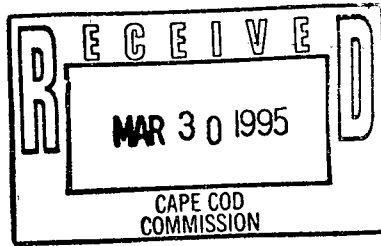
Dear Members:

This is to advise you that we have withdrawn the above preliminary subdivision plan before the Cape Cod Commission; please see enclosed letter to Sara Korjeff of the Commission. We are heretowith withdrawing the preliminary subdivision plan from before you accordingly.

Very truly yours,

Stephen R. Perry
For The Perry Family

cc: ✓ Sara Korjeff/Planner
Cape Cod Commission
Steve Williams, Building Inspector
Cynthia Slade, Town Clerk
Paul Guida, DRI liaison



*Are notifying Turo
Planning Bd as well*

March 30, 1995

Sara Korjeff/Planner
Cape Cod Commission
3225 Main Street
P.O. Box 226
Barnstable, MA 02630

RE: **Planning Board Referral of Preliminary Subdivision Plan for Perry Land**

Dear Ms. Korjeff:

You are aware, the Perry Family recently submitted a Preliminary Subdivision Plan to the Truro Planning Board. The Planning Board referred the subdivision to the Cape Cod Commission as a development of a regional impact under the Cape Cod Commission Act. The referral resulted in an informal discussion with members of the Cape Cod Commission staff which suggested various studies be conducted prior to the development of our property. These studies included, but were not limited to nitrate loading studies, habitat studies, and traffic studies. At this time, the Perry family does not possess the financial resources to fund such studies, and as a result, we are withdrawing the subdivision plan from the Truro Planning Board and the application to the Cape Cod Commission.

The Perry Farmland has been owned by the Perry family for many decades. We have always considered ourselves to be good stewards of the land. Apparently unknown to the Commission or its staff are the substantial donations of land we have made to the Town of Truro in the past, some of which are now the Town's public beaches. I myself have served in public office as a Selectman. We are dismayed by the treatment of our estate planning needs by the Commission and its staff.

As you know, the preliminary subdivision plan which was filed before the Town of Truro Planning Board was submitted for estate planning purposes, in order to carve out one or two lots for elderly family members, and to preserve whatever rights our family has under a constantly evolving local and county land use policy.

We regret that the commission displays little sensitivity to Cape Cod families such as ourselves who have been a part of Cape Cod History. When staff members such as Dorr Fox suggest that we can not do "anything" with our property unless the Perrys agree to put aside 60% of their uplands in conservation, we have little alternative but to pursue other estate planning alternatives to meet our aging parents' needs. We cannot afford to lose our farm to estate taxes, nor can we donate large amounts of our estate to satisfy Mr. Fox's desire for open space. We are not developers or land speculators, and are merely trying to hold on to our family's home and livelihood. The Cape Cod Commission should recognize such distinctions, but apparently does not.

Therefore, we withdraw our application before the Cape Cod Commission, without waiver or prejudice to any and all rights that we have.

Very truly yours,



Stephen R. Perry
For The Perry Family

cc: Betsy Brown, Chairwoman
Planning Board
Steve Williams, Building Inspector
Cynthia Slade, Town Clerk
Ken Brock, Commission Representative

IMPORTANT MESSAGE

For

Sarah

Day

3/31

Time

1205

AM.
P.M.

M

Claire Perry

Of

Phone

349 1652

FAX

Area Code

Number

Extension

MOBILE

Area Code

Number

Extension

Telephoned

Returned your call

RUSH

Came to see you

Please call

Special attention

Wants to see you

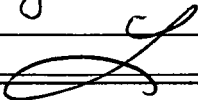
Will call again

Caller on hold

Message

Letter was hand-delivered to Cindy Slade @ Town Hall for Planning Board with drawings of Preliminary plans. Letter was put in mail for you this morning -

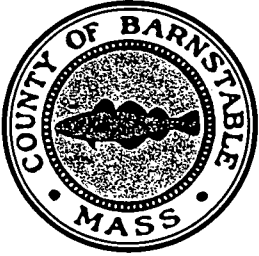
Signed



David Lindstrom
349-3860
Town Hall

Ltr - Truro PB

- w/drawn subdiv. plans from CCC
- - w/drawing from you forthwith.



CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

March 23, 1995

Mr. Stephen R. Perry
P.O. Box 1016
Truro, MA 02666

RE: Perry Subdivision

Dear Mr. Perry,

I am writing this letter to clarify our telephone conversation yesterday. The Cape Cod Commission Act requires us to notice the opening of a public hearing within 60 days of receipt of a referral. We have scheduled a hearing for April 19, 1995. If the Commission has received no application information from you by March 30, 1995, the public hearing will be opened and continued with no testimony taken at that time. If the Commission receives an application and certified abutters list by March 30, the public hearing will be opened on April 19, 1995, and testimony will be taken at the hearing.

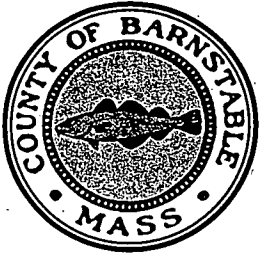
If you do not expect to go forward with the project in the near future, I recommend that you withdraw the preliminary plans from the Truro Planning Board and the Cape Cod Commission, and resubmit your plans at a later date.

If you have any questions about the project, please feel free to contact me.

Sincerely,


Sarah Korjeff
Planner

cc. Paul Guida, DRI liaison
Ken Brock, CCC representative
Betsey Brown, Chair, Planning Board



CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

March 23, 1995

Betsey Brown, Chair
Truro Planning Board
Box 1080
Truro, MA 02666

Re: Perry Subdivision

Dear ^{Betsey}~~Ms. Brown~~

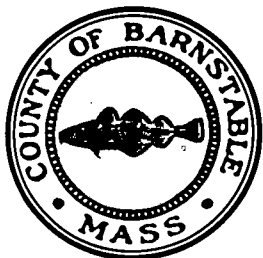
Thank you for calling me today. The Perry subdivision is an unusual project in that the applicant has not decided whether to pursue the plan submitted to the Planning Board. Thus, it is unclear whether he will choose to go forward with DRI review at this time, or whether he will withdraw the project and resubmit a proposal at some later date. The Act requires us to notice the opening and continuation of a public hearing by March 30. If we have not received any information from the applicant by that date, no testimony will be taken on the date noticed. If we receive complete application materials from the applicant by March 30, testimony will be taken the first public hearing, and I will try to arrange a scoping session with town officials before the hearing. If the applicant does not expect to come forward with plans in the near future, we recommend that the project be withdrawn and resubmitted at a later date in order to simplify the review process.

In the meantime, I would like to put the project file in order with a copy of the official referral form and a copy of the local permit application materials, as I mentioned on the phone. Though the Commission considers the date of the Planning Board's referral to be the date we received your letter, I would like to ask you to fill out a copy of the enclosed DRI referral form to support your letter. I have enclosed an extra copy for the Planning Board's files or future use.

If you have any questions about this, please feel free to call me.

Sincerely,

Sarah Korjeff
Sarah Korjeff
Planner



CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

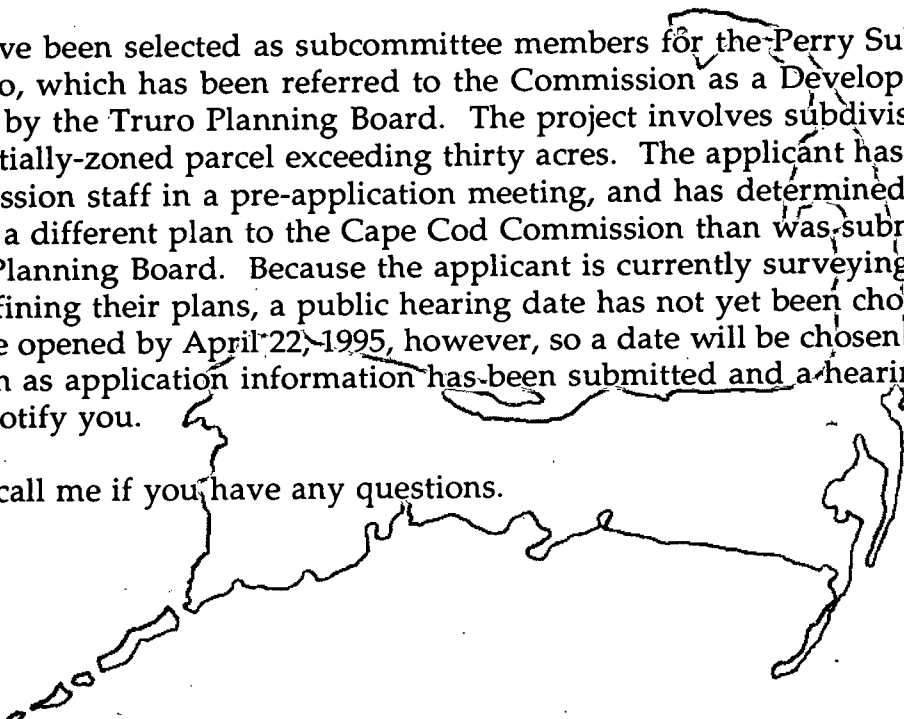
TO: David Ernst, Chair; Ken Brock, George Jackson, Ken Mason, Bill Riley
(Tom Broiderick, Herb Olsen, alternates)

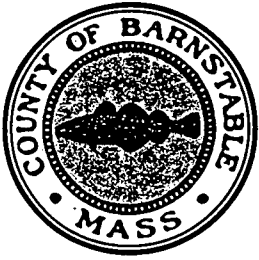
FROM: Sarah Korjeff

DATE: March 3, 1995

You have been selected as subcommittee members for the Perry Subdivision project in Truro, which has been referred to the Commission as a Development of Regional Impact by the Truro Planning Board. The project involves subdivision of a residentially-zoned parcel exceeding thirty acres. The applicant has met with Commission staff in a pre-application meeting, and has determined that they may submit a different plan to the Cape Cod Commission than was submitted to the Truro Planning Board. Because the applicant is currently surveying the property and defining their plans, a public hearing date has not yet been chosen. The hearing must be opened by April 22, 1995, however, so a date will be chosen by late March. As soon as application information has been submitted and a hearing date is chosen, I will notify you.

Please call me if you have any questions.





CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

Development of Regional Impact Referral Notification Form

Mr. Stephen R. Perry
P.O. Box 1016
Truro, MA 02666

February 27, 1995

RE: Perry Subdivision

Dear Mr. Perry,

Your project has been referred to the Cape Cod Commission as a Development of Regional Impact (DRI) under the Code of Cape Cod Commission Regulations of General Application, Chapter A, Section 3(c), Barnstable County Ordinance 94-10. The referral was made by Betsey Brown, Chair of the Truro Planning Board, on February 18, 1995.

This referral was received by the Commission on February 22, 1995. Under the Act, the Commission is required to schedule a public hearing within sixty (60) days of the receipt of a DRI referral. No municipal permits may be issued unless the Commission completes its review and issues a Regional Development permit.

The Commission will schedule a public hearing in Truro to consider your project. We will contact you to confirm the date and time. Please send by certified mail or hand-deliver the enclosed application and all required attachments by March 27, 1995. As we discussed at our February 15th meeting, you are not required to submit the same plan that was considered by local boards; you may present a different plan for Commission review.

In completing the application, submission of a certified abutters list is of particular importance. This list must be provided in order to properly notice the public hearing and must be received no later than March 21, 1995. You must also provide evidence of filing a Project Notification Form with Massachusetts Historical Commission. A copy of the enclosed application must be filed with the Truro Town Clerk, Building Inspector, and any municipal agency before which a development permit is pending.

I would like to schedule a site visit for the Commission subcommittee reviewing the project, preferably for the day of the hearing. Again, I will contact you to confirm the date and time.

The Cape Cod Commission staff will be happy to meet with you regarding your project or to answer any questions regarding the application. If you would like to schedule an appointment, please contact me or Dorr Fox, Chief Regulatory Officer, at 508-362-3828.

Sincerely,



Sarah Korjeff
Planner

cc. Betsey Brown, Chair, Planning Committee
Steve Williams, Building Inspector
Cynthia Slade, Town Clerk
Ken Brock, Commission Representative
Paul Guida, DRI Liaison



Truro Planning Board

TRURO, MASSACHUSETTS

February 18, 1995

Mr. Kenneth Brock, Chairman
Cape Cod Commission
3225 Main Street
P.O. Box 226
Barnstable MA 02630

Dear Mr. Brock:

At the last meeting of the Planning Board on February 15th, the members unanimously voted to forward the Preliminary Plan of Stephen R. Perry consisting of more than 30 acres (Truro Atlas Sheet 45, Parcel 57) to the Cape Cod Commission for a mandatory review.

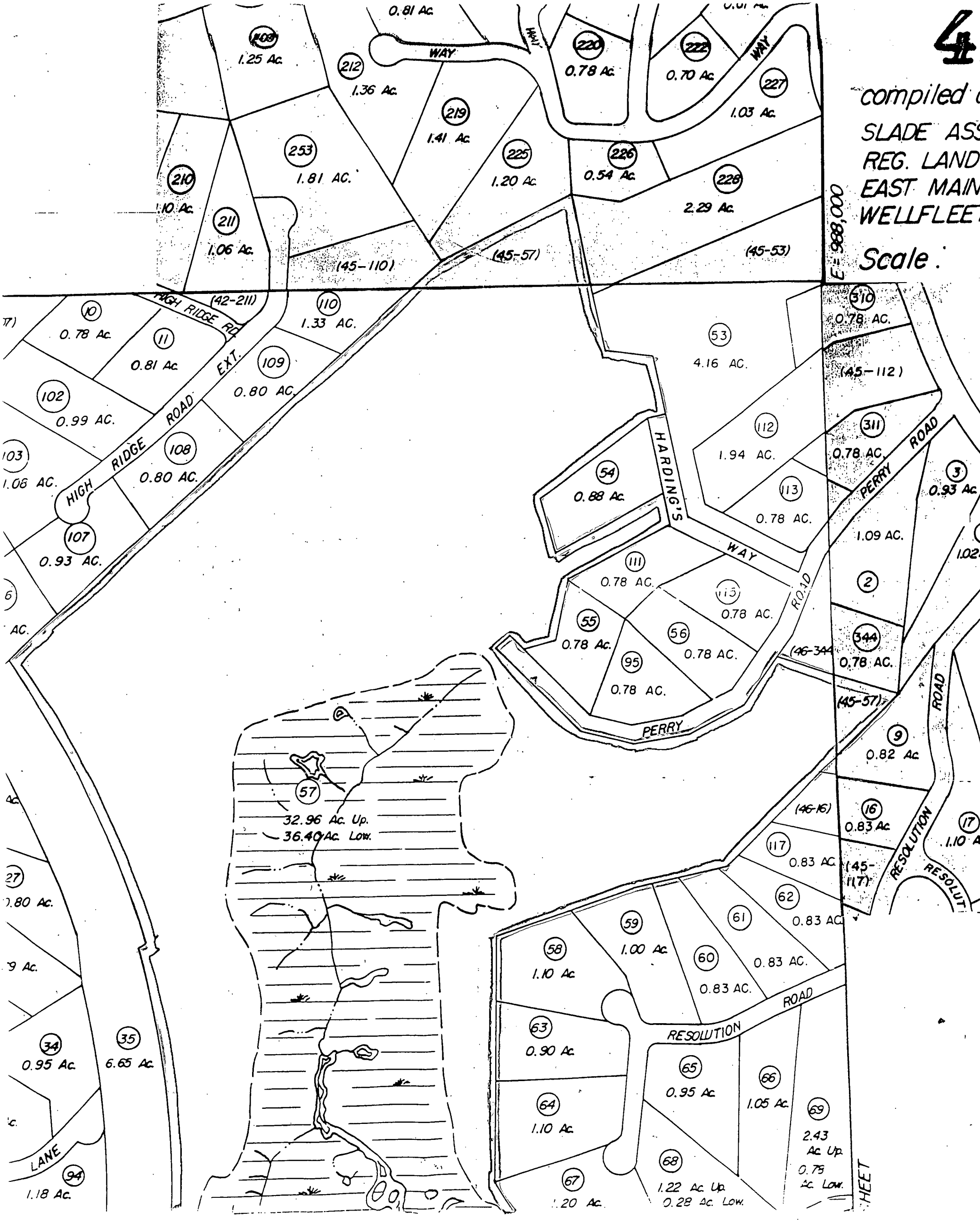
Very truly yours,

Betsey A. Brown, Chair

compiled
SLADE ASS
REG. LAND
EAST MAIN
WELLFLEET

Scale:

E = 988,000



RECEIVED
MAR 30 1995
CAPE COD
COMMISSION

open hearing by
April 22, 1995

2/22

DOOR

I guess this makes
it official. Max +
move is up to Benny.

Ken

Kenneth S. Brock
Box 193
North Truro, MA
02652

April 6, 1995

Mr. Stephen Perry
Box 1016
Truro MA 02666

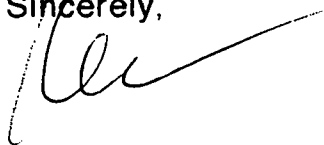
Dear Steve:-

I appreciate your sending me a copy of your letter withdrawing your preliminary subdivision plan. It was apparent from the discussions we had at the Commission that you have several very understandable and difficult issues which require more thought before proceeding.

However, I am sorry you felt that the Commission was insensitive. As you know, it is governed by the County laws and, as an observer and participant in the entire discussion, I felt that the staff was extremely sensitive and considerate. They did, however, relate the law to you - an obligation which I hope you would understand. Should you, at some future time, decide to proceed, your plan would be considered by the Commissioners who can, at their discretion and after a hearing, modify some of the requirements.

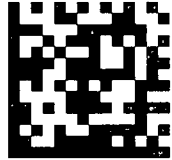
If I can be helpful to you in getting answers to questions, I hope you will call on me.

Sincerely,

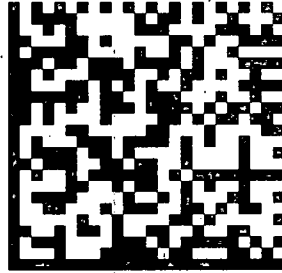


cc: Betsey Brown
Steve Williams
Cynthia Slade
✓ Sara Korjeff
✓ Dorr Fox

Cape Cod



20024



Fish_Yee Condominium Association

**SLADE ASSOCIATES, INC.
REGISTERED LAND SURVEYORS**

P.O. BOX 882
WELLFLEET, MASSACHUSETTS 02667
(808) 349-3110
FAX (808) 349-7577



ASSOCIATES:

RICHARD F. LAY, R.L.S.
CHESTER N. LAY, R.L.S.

August 14, 2000

Mr. Greg Smith
Cape Cod Commission
P.O. Box 228
Barnstable, MA 02630

Re: Truro Assessors' Atlas, Sheet 45, Parcel 57

Dear Mr. Smith,

On August 10, 2000 we notified the Truro Planning Board to withdraw from the Board's consideration the above-captioned plan filed June 15, 2000.

Sincerely,

A handwritten signature in black ink that reads "Chester N. Lay". The signature is written in a cursive style with a large, prominent "C" and "L".

Chester N. Lay
Registered Land Surveyor

CNL: rmm

STATEMENT OF WITHDRAWAL
Development of Regional Impact Review
Cape Cod Commission Act
Chapter 716 of the Acts of 1989, as amended

I, Chester N. Lay, hereby withdraw the Development of
(applicant or representative)
Regional Impact (DRI) application from Cape Cod Commission review for
approval of the "Division Plan of Land in Truro made for Steve S. & Lucy J. Perry"
(project name) Dated June 12, 2000
(CCC # _____) project located in Truro, Massachusetts. I
(town)

further understand that this withdrawal renders the time limitations for
Commission review in Section 13(a) of the Act inapplicable and that a
constructive grant of this project will not issue by virtue of this withdrawal.
I hereby represent that I have the authority to act on behalf of the project
applicant in signing this Statement of Withdrawal.

Chester N. Lay
Print Name
Chester N. Lay
Signature

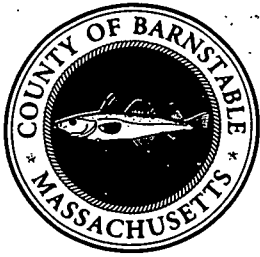
August 11, 2000
Date

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

Then personally appeared before me the above-named Chester N. Lay
and acknowledged the foregoing instrument to be his/her free act and deed,
before me,

Dawn E. Eckman
Notary Public
My Commission Expires: 9/16/2005



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

September 29, 2000


John and Lucy Perry
Claire Perry
P.O. Box 127
Truro, MA 02666

Dear Members of the Perry Family:

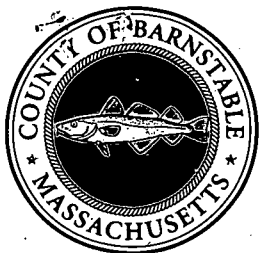
This past summer an ANR plan pertaining to your land was referred to the Cape Cod Commission for review. Following discussions with the Commission staff, the proposal was withdrawn. Recently, it has come to my attention that you may still be interested in pursuing a development proposal for this property and may believe that you were not given adequate opportunity to discuss development options. Since it is likely that any subdivision of this site will require Commission review and approval, I would like to encourage you to come speak with the Commission staff to discuss any proposals you may have for this property.

The Commission staff would be pleased to meet with you. Please contact me regarding this matter.

Sincerely,



Margo Fenn
Executive Director



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

August 9, 2000

Mr. Chet Lay
c/o Slade Associates
Truro, MA

Dear Mr. Lay:

Thank you for taking the time to meet with me and my associates from the Cape Cod Commission regarding the Perry ANR. After a conversation with our Chief Regulatory Officer, we have collectively determined that the applicant may file for a Withdrawal from the DRI review process (pursuant to Section 9 (k) of the Cape Cod Commission Regulations of General Application).

I have faxed a copy of the Withdrawal sheet to your office and recommend that it be filled out and returned to our office before August 11th so that we may begin the internal process of canceling the public hearing date. Please return to the Commission both the Withdrawal form and a letter from the Truro Planning Board stating that the project has been withdrawn from the Planning Board's review. Again, thank you for your time, and please feel free to contact me with any questions you may have.

Sincerely,

Gregory Smith
Staff Planner

Cc: Mr. Roland Breault, Town Administrator
Mr. Paul Kiernan, Planning Board Chairperson



Confirmation Report - Memory Send

Time : Aug-10-00 03:49pm
Tel line :
Name :

Job number : 354
Date : Aug-10 03:47pm
To : 15083497720
Document pages : 02
Start time : Aug-10 03:47pm
End time : Aug-10 03:49pm
Pages sent : 02
Status : OK

Job number : 354

*** SEND SUCCESSFUL ***



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

August 9, 2000

Mr. Chet Lay
c/o Slade Associates
Truro, MA

Dear Mr. Lay:

Thank you for taking the time to meet with me and my associates from the Cape Cod Commission regarding the Perry ANR. After a conversation with our Chief Regulatory Officer, we have collectively determined that the applicant may file for a Withdrawal from the DRI review process (pursuant to Section 9 (k) of the Cape Cod Commission Regulations of General Application).

I have faxed a copy of the Withdrawal sheet to your office and recommend that it be filled out and returned to our office before August 11th so that we may begin the internal process of canceling the public hearing date. Please return to the Commission both the Withdrawal form and a letter from the Truro Planning Board stating that the project has been withdrawn from the Planning Board's review. Again, thank you for your time, and please feel free to contact me with any questions you may have.

Sincerely,

Gregory M. Smith
Gregory Smith
Staff Planner

Cc: Mr. Roland Breault, Town Administrator
Mr. Paul Kiernan, Planning Board Chairperson

STATEMENT OF WITHDRAWAL
Development of Regional Impact Review
Cape Cod Commission Act
Chapter 716 of the Acts of 1989, as amended

I, _____, hereby withdraw the Development of
(applicant or representative)

Regional Impact (DRI) application from Cape Cod Commission review for
approval of the _____
(project name)

(CCC # _____) project located in _____, Massachusetts. I
(town)

further understand that this withdrawal renders the time limitations for
Commission review in Section 13(a) of the Act inapplicable and that a
constructive grant of this project will not issue by virtue of this withdrawal.
I hereby represent that I have the authority to act on behalf of the project
applicant in signing this Statement of Withdrawal.

Print Name

Signature

Date

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

Then personally appeared before me the above-named _____
and acknowledged the foregoing instrument to be his/her free act and deed,
before me,

Notary Public
My Commission Expires:

NEW DRI SUBCOMMITTEE NOTICE

To: Michael Sekerak (Chair), Ernest Virgilio, Susan Kadar, Gwen Bloomingdale, Elizabeth Taylor

Alternates: Thomas Broidrick, Allen Platt

From: Greg Smith, Project Planner

Re: Perry ANR

Date: July 17, 2000

You have been selected to serve on the Perry ANR subcommittee. The project, an "approval not required" subdivision project of 5.757 acres from a parcel of 38.787 acres, was referred by the Truro Planning Board Chair Paul Kiernan on July 5, 2000.

Under the Commission's MOU with Truro, a joint site plan review with the applicant and municipal officials has been scheduled at the Truro Public Library on the morning of July 25th at 10:00 am. You are invited to this meeting but are not required to attend.

The public hearing scheduled for the project on August 30th, 2000 at the Truro Public Library. I will also send you a copy of the DRI application (or other relevant material) once we receive it.

Please let me know if you are unable to serve on this subcommittee. Thank you.



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

CERTIFIED MAIL

July 17, 2000

John & Lucy Perry
P.O. Box 127
Truro, MA 02666

RE: J. & L. Perry ANR
Development of Regional Impact (TR-20024)

Dear Mr. and Ms. Perry:


Your "approval not required" subdivision project of 5.757-acres from a parcel of 38.787-acres has been referred to the Cape Cod Commission (Commission) as a Development of Regional Impact (DRI) under the Cape Cod Commission Enabling Regulations, Section 3(c). The referral was made by the Truro Planning Board on July 5, 2000 and was received on July 10, 2000 by the Commission. Enclosed is a copy of the DRI referral form.

The Commission is required to schedule a public hearing within sixty (60) days of the receipt of a DRI referral. No municipal permits may be issued unless the Commission completes its review and issues a DRI approval.

A public hearing has been tentatively scheduled for Wednesday, August 30, 2000 at 7:00 PM in Truro Public Library to consider your project. Please send by certified mail or hand-deliver the enclosed DRI application and the attachments by **August 10, 2000**. Of particular importance is the submission of a certified abutters list. This list must be provided in order to properly notice the public hearing. Also, a copy of the completed DRI application, including any supporting studies, site plans or maps must be filed with the Town Clerk, Planning Board, and any other municipal agency(ies) before which a development permit is pending.

Please contact me if you have any questions.

Sincerely,


Gregory M. Smith
Planner 2

Enclosures

Cc: (Certified, w/referral form) Roland W. Breault, DRI Liaison
(Certified, w/referral form) Vincent Corsano, Building Inspector
(Certified, w/referral form) Paul Kiernan, Chair, Planning Board
(Certified, w/referral form) Cynthia Slade, Town Clerk
(Regular mail, no encl.) Michael Sekarak, Subcommittee Chair
(Regular mail, no encl.) Susan Kadar, Future Truro Commission Representative



Development of Regional Impact (DRI) Referral Form

Please attach a copy of the original municipal development permit application or site plan review, subdivision, or other application showing the date on which it was received by the Municipal Agency. Receipt of this information via the U.S. Mail or delivered in person to the Cape Cod Commission constitutes a referral for purposes of Chapter 71B of the Acts of 1989, as amended.

Referred by:
Town and Agency TRURO PLANNING BOARD
Official PAUL KIERNAN (CHAIR)

- Mandatory referral
- Discretionary referral
- Limited Discretionary referral (please see the back of this form)

Project Name J. & L. Perry ANR
Project Proponent Name John + Lucy PERRY
Address P.O. # 127
TRURO, MA 02666
Telephone 508-349-1652

Brief description of the project including, where applicable, gross floor area, lots, units, acres and specific uses:
ANR of 5.757 ACRES FROM A
PARCEL OF 38.787 ACRES.

Project location:
LITTLE PAMET RIVER VALLEY
TRURO ASSESSORS ATLAS SHEET #45 PARCEL #57
BARNSTABLE CO. REGIS. BOOK #1381 Pg. #47

List municipal agency(ies) before which a municipal development permit is pending:

PAUL KIERNAN
Print Name of Authorized Referring Representative
Paul Kiernan
Signature
7/5/00
Date

Forward to:
Cape Cod Commission
3225 Main Street
Barnstable, Massachusetts 02630

CHET:

HERE IS THE WITHDRAWAL FORM -

FILL IT OUT AND RETURN TO CCC (SDS-362-3136) ^{FAX #}
TOMORROW BEFORE 1:00 PM. IT IS MY HOPE THAT
WE CAN PROCEED WITH WITHDRAWAL AT OUR COMMISSION
MEETING AT 3:00 PM. IF SO (BARRING ANY UNFORESEEN
ISSUES THAT MAY HAVE BEEN DISCUSSED ^{TODAY} BETWEEN THE
TRURO TOWN ADMINISTRATION & SHARON RODNEY (A CCL STAFF
MEMBER), THE WITHDRAWAL WILL BE COMPLETED AND VOTED
ON TOMORROW. LET ME KNOW IF YOU HAVE ANY QUESTIONS
RE: PROCEDURES.

THANKS -


Greg Simon

WHISTLEBERRIES SPECIALS

PHONE: 362-6717

Barnstable Village

DELIVERIES AT: 12:00, 12:30 & 1:00

Chicken tortellini or Corn chowder 


BLT on toasted white 3.50 w/soup \$5.00

bean burrito \$5 (black beans, salsa, spanish rice, cheese)
(Try our burritos, they're delicious.) (over sour cream in an all new black bean wrap)

Chicken club \$5.25 (chicken breast, bacon, cheddar ranch dressing, lettuce, tomato)

ham & cheese \$5.00 (black forest ham, swiss cheese lettuce & tomato, mayo, mustard)

Tuna or chicken salad \$3.75 bagel or bread \$5 wrap
however you like it!!

Veggie Wrap \$5.00 (hummus, tomatoes, cukes, sprouts, onions, avacados, lettuce) 

Beef bagel \$3.75 (chive cream cheese tomatoes)

Planning/Community Development Activities

The Commission develops and maintains the Cape Cod Regional Policy Plan, provides support for the development of Local Comprehensive Plans (LCPs) and ongoing technical assistance to the towns, and reviews nominations for Districts of Critical Planning Concern (DCPCs). The Commission also provides specialized planning services that focus on historic preservation, natural resource protection, landscape architecture, capital facilities, planning, and more.

The Regional Policy Plan, the guiding document that sets goals and performance standards for land use and development in Barnstable County, was last updated in 1996. It will be updated again in 2001.

All Cape communities have either completed their LCPs or are in the process of developing them. Six communities have certified plans to date. In Fiscal Year 2000, the Commission worked on preliminary certification for the towns of Harwich, Orleans, and Provincetown.

Four DCPCs have been recommended since the Commission's inception in 1990. One was nominated to the Commission in Fiscal 2000: the Harwich Six Ponds District of Critical Planning Concern. The Barnstable County Assembly of Delegates approved the Harwich district, which includes an area of more than 1,300 acres in Harwich south of Route 6, in **April 2000**. In addition, the Assembly approved the Sandwich Three Ponds District of Critical Planning Concern in **March 2000** to protect roughly 1,000 acres in south Sandwich. Regulations were completed for the Bournedale DCPC in February 2000.

Regional Collaborations on State Issues

The Commission's planning department also supports special collaborative regional initiatives, including the following activities during Fiscal Year 2000:

- The Commission participated in the Community Working Group, a state-appointed body of Cape Cod citizens and officials who have developed a master plan for the future use of the Massachusetts Military Reservation. Commission staff also provided assistance with well siting for the Upper Cape regional water supply and review of environmental performance standards which will guide future land use at the MMR.
- The Commission organized a regional meeting of town planners and affordable housing interests to respond to the housing certification program required under the Governor's Executive Order 418. The group provided critical input into the certification process, through which towns are required to demonstrate that they are taking appropriate steps to provide affordable housing. The towns are also working in tandem to submit an application that would certify the region as a whole.

- Staff served on a legislative working group considering revisions to the Statewide Zoning and Subdivision Enabling Acts. A major focus of this effort has been reconsideration of exempt uses, developing a provision that would allow cluster development by right, and making changes that would give towns more power to regulate undeveloped lands that can be “grandfathered” by the vested development rights provisions of current state law.
- Work is continuing with the Lower Cape Wireless Working Group, an ad hoc group composed of representatives from eight Lower and Outer Cape towns and the Cape Cod National Seashore. The group is developing a plan for wireless telecommunications services in that region. The Commission also provided comments to protect towns’ regulatory interests on the **Wireless Telecommunications Act?**, which is pending before the state legislature.

Outer Cape Report???

Training Seminars and Workshops

During Fiscal Year 2000, the Massachusetts Department of Housing and Community Development (MADHCD) awarded a grant of \$xxxx to the Commission to develop training materials on zoning regulations and variances (**any other topics? Did we develop materials this year or just conduct the training?**). The Commission used these materials at **two?** workshops on variances and the roles and responsibilities of planning boards and zoning boards of appeals. One was held in November 1999 and another in May 2000.

In partnership with the Association for the Preservation of Cape Cod, staff began presenting the Commission’s model bylaws for implementing local comprehensive plans and protecting watershed resources. The bylaws were presented as part of the Communities Connected by Water project. The project, which is funded by the Executive Office of Environmental Affairs, helps community decision makers better understand their watersheds and implement local measures to prevent the degradation of natural resources. Three regional workshops were held to train citizens on the protection of groundwater, coastal embayments, and lakes and ponds. The workshops drew an audience of more than 200 people including selectmen, conservation commissioners, water resource specialists, town planners, environmental organizations, and concerned citizens.

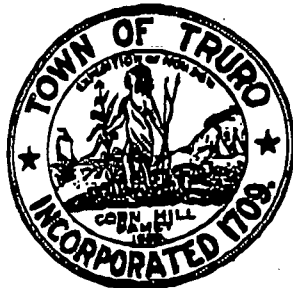
Natural Resources and Open Space Protection

During Fiscal Year 2000, the Commission established a separate Natural Resources and Land Protection program area. A major focus of the new program was providing assistance to town Land Bank Committees in their efforts to protect open space. Working in partnership with the Compact of Cape Cod Conservation Trusts, the Commission provided direct technical assistance to Cape Cod towns. In addition, the Commission tracked municipal acquisitions and updated Capewide land-use data on protected and

developed land. The Commission also organized a Capewide workshop for land bank committees and local land trusts on protecting land through the use of charitable or bargain sales and continued to staff the Land Bank Roundtable, a quarterly gathering of local land bank committee chairs. The Commission sponsors a Web site (www.capecodcommission.org/landbank) to provide additional support for these efforts.

The Cape Cod Commission also works closely with the Barnstable County Commissioners and the Cape municipalities to develop the Cape Cod Pathways project, a planned system of interconnected walking trails from one end of Cape Cod to the other. To date, approximately one-third of the east-west portion of the trail from Provincetown to Bourne has been dedicated. In Fiscal Year 2000, **????new trail sections???** The Commission organized the sixth annual Cape Cod Pathways "walking weekend" in October 1999, with more than 2,000 participants taking part in 33 walks across Cape Cod.

Design Manual Update??



TOWN OF TRURO

P.O. Box 2030, TRURO MA 02666

TEL: (508) 349-3635 FAX: (508) 349-7720

77 349-0461

FAX TRANSMITTAL FORM

Please deliver the following page(s) to:

NAME:

Erin Smith

LOCATION:

Cape Cod Commission

FAX NO:

508/362-3136

SUBJECT:

signature Perry withdrawn

This Transmittal is being sent from:

NAME/TITLE:

Sue Kelly for A. Board, Truro

DEPARTMENT:

Planning Board

DATE:

8/14/00

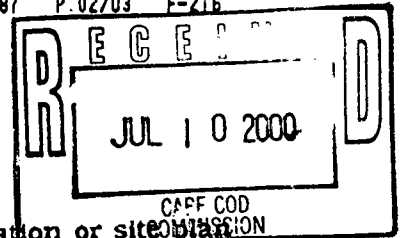
TIME:

Number of pages including cover sheet:

2

Comments:

This may be a duplicate - Paul Kirsman
had already come in & I was told you
would need Town Administrator's signature
Thanks. Sue Kelly



Development of Regional Impact (DRI) Referral Form

Please attach a copy of the original municipal development permit application or site plan showing the date on which it was received by the review, subdivision, or other application showing the date on which it was received by the Municipal Agency. Receipt of this information via the U.S. Mail or delivered in person to the Cape Cod Commission constitutes a referral for purposes of Chapter 716 of the Acts of 1989, as amended.

Referred by: Town and Agency TRURO PLANNING BOARD Official PAUL KIERNAN (CHAIR) 349-0288

- X Mandatory referral Discretionary referral Limited Discretionary referral (please see the back of this form)

Project Name J. & L. Perry ANR Project Proponent Name John & Lucy PERRY Address P.O. # 127 TRURO, MA 02666 Telephone 508-349-1652

Brief description of the project including, where applicable, gross floor area, lots, units, acres and specific uses: ANR of 5.757 ACRES FROM A PARCEL OF 38.787 ACRES.

Project location: LITTLE PAMET RIVER VALLEY TRURO ASSESSORS ATLAS SHEET #45 PARCEL #57 BARNSTABLE CO. REGIS. BOOK #1381 Pg. #47

List municipal agency(ies) before which a municipal development permit is pending:

PAUL KIERNAN Paul Kiernan 7/5/00 Print Name of Authorized Referring Representative Signature Date

Forward to: Cape Cod Commission 3225 Main Street Barnstable, Massachusetts 02630

Development of Regional Impact (DRI) Referral Form

Please attach a copy of the original municipal development permit application or site plan review, subdivision, or other application showing the date on which it was received by the Municipal Agency. Receipt of this information via the U.S. Mail or delivered in person to the Cape Cod Commission constitutes a referral for purposes of Chapter 71B of the Acts of 1989, as amended.

Referred by:
Town and Agency TRURO PLANNING BOARD

Official PAUL KIERNAN (CHAIR)

- Mandatory referral
- Discretionary referral
- Limited Discretionary referral (please see the back of this form)

Project Name J. & L. Perry ANR

Project Proponent Name John + Lucy PERRY

Address P.O. # 127
TRURO, MA 02666

Telephone 508-349-1652

Brief description of the project including, where applicable, gross floor area, lots, units, acres and specific uses:

ANR of 5.757 ACRES FROM A
PARCEL OF 38.787 ACRES.

Project location:

LITTLE PAMET RIVER VALLEY
TRURO ASSESSORS ATLAS SHEET #45 PARCEL #57
BARNSTABLE CO. REGIS. BOOK # 1381 Pg. #47

List municipal agency(ies) before which a municipal development permit is pending:

PAUL KIERNAN
Print Name of Authorized Referring Representative

Paul Kiernan
Signature

7/5/00
Date

Forward to:
Cape Cod Commission
3225 Main Street
Barnstable, Massachusetts 02630

6/15/00 -
Perry - Planning Bd.
Fjt - Cindy
cc: Susan K.

TOWN OF TRURO
TRURO PLANNING BOARD
TRURO, MA

Office of Town Clerk
Treasurer - Tax Collector
JUN 15 2000

Received TOWN OF TRURO
By [Signature]

50.00 for
paid

Application for Endorsement of Plan
Believed Not To Require Approval

Date: June 15, 2000

349-3635

349-1797

To the Truro Planning Board;

The undersigned wishes to record the accompanying plan of his property in the Town of Truro and, believing that the plan does not constitute a subdivision within the meaning of the Subdivision Control Law, requests a determination by the Planning Board that approval under the Subdivision Control Law is not required.

1. Name of Applicant: John S. & Lucy J. Perry
P.O. Box 127
Address: Truro, MA 02666
Telephone: 508-349-1652

2. Name of Surveyor or Engineer: Slade Associates, Inc.
Address: P.O. Box 592, Wellfleet, MA 02667
Telephone: (508) 349-3110

3. Deed of Property Recorded In:
Barnstable County Registry Book: 1381 Page: 47

4. Location of Property:
Truro Assessors Atlas, Sheet: 45 Parcel: 57

5. The division of land shown on the accompanying plan is not a subdivision requiring approval for the following reason: Buildable lot being created has sufficient amount of frontage on Perry Road a 40 ft. town road.

6. Title of Plan: Division Plan of Land in Truro made for John S. & Lucy J. Perry

7. Plan Number: 00-46

Signature of Surveyor: [Signature]

Name of Owner: John S. & Lucy J. Perry
Address: P.O. Box 127
Truro, MA 02666

File one copy of completed form with the Planning Board and one copy with the Town Clerk

TOWN OF TRURO



PLANNING BOARD

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

Office of Town Clerk
Treasurer - Tax Collector
275.00 PAID
FEB 18 2020
2020-00548
Received TOWN OF TRURO
By *Molly Stevens*

Date: February 18, 2020

To The Planning Board of the Town of Truro Massachusetts,

The undersigned owners of all the land described herein submitted the accompanying plan entitled:

Plan of Land 20 Perry Road Truro MA and dated February 4, 2020, requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: ²⁰ ~~33~~ Perry Road Map(s) and Parcel(s): Map 45 Parcel 127

Number of Lots Created: 2 Total Land Area: 3.18+/- acres

The owner's title to said land is derived under deed from The Claire A. Perry Living Trust Agreement, dated 5/6/19, and recorded in the Barnstable Registry of Deeds Book and Page: 31999/350

or Land Court Certificate of Title No. _____ registered in Barnstable County.

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

- The accompanying plan is not a subdivision because the plan does not show a division of land.
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Truro zoning by-law under Section 50.1 (A) which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:

a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or

a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely Perry Road on PB 630 Page 58 and subject to the following conditions _____; or

a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____

- The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a

proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of, lots in such a manner that no lot affected is left without frontage as required by the Truro zoning bylaw under Section 50.1 (A), which requires 150 feet.

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

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

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

Hillside Farm LLC
(Printed Name of Owner)

(Signature)

Samantha Perry mgr.
(Printed Name of Owner)

Samantha Perry mgr.
(Signature)

Box 228 Truro MA 02666
(Address of Owner(s))

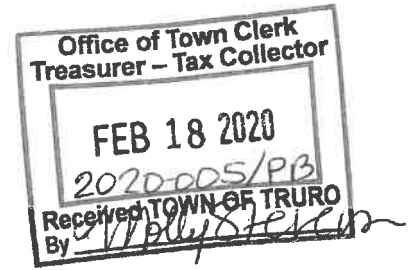
(Address of Owner(s))

(Printed Name of Agent)

(Signature)

(Address of Agent)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk



February 18, 2020

Town of Truro Planning Board
Truro Town Offices
24 Town Hall Rd.
Truro, MA 02666

Re. 20 Perry Road

To the Planning Board

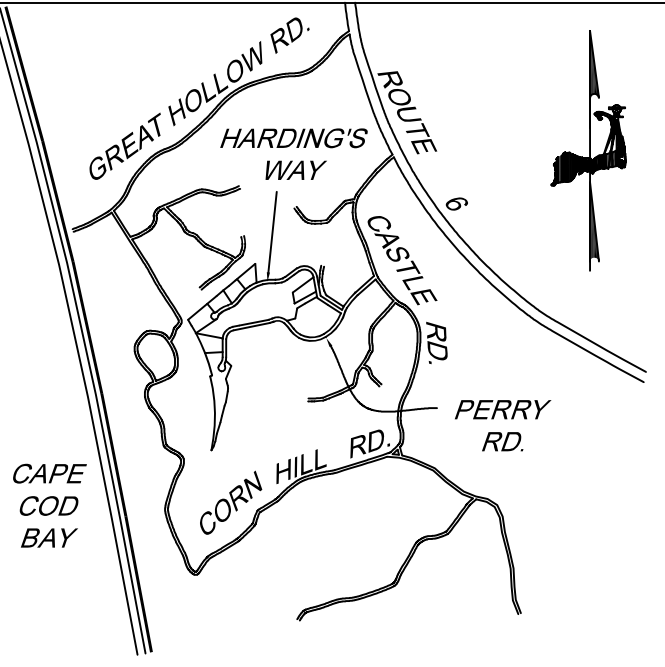
Enclosed you will find 12 copies of the Form A Approval Not Required Application accompanied by the ANR plan as well as a check made out to the Town of Truro for \$275.00 for your consideration.

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

Thank you.

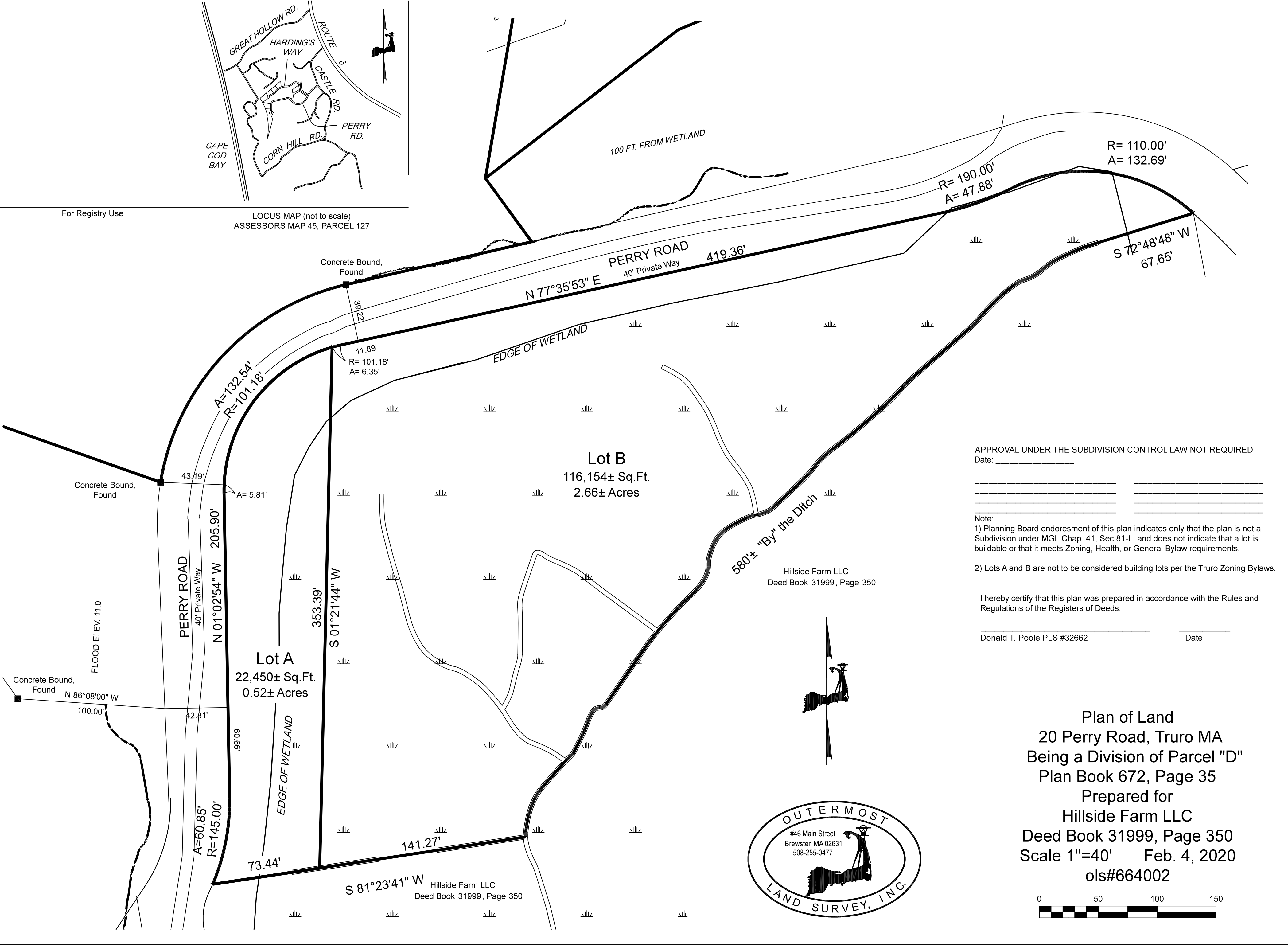
Sincerely,

Dawn Sternlieb
Office Manager



For Registry Use

LOCUS MAP (not to scale)
ASSESSORS MAP 45, PARCEL 127



APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
Date: _____

Note:
1) Planning Board endorsement of this plan indicates only that the plan is not a Subdivision under MGL Chap. 41, Sec 81-L, and does not indicate that a lot is buildable or that it meets Zoning, Health, or General Bylaw requirements.

2) Lots A and B are not to be considered building lots per the Truro Zoning Bylaws.

I hereby certify that this plan was prepared in accordance with the Rules and Regulations of the Registers of Deeds.

Donald T. Poole PLS #32662

Date _____



Plan of Land
20 Perry Road, Truro MA
Being a Division of Parcel "D"
Plan Book 672, Page 35
Prepared for
Hillside Farm LLC
Deed Book 31999, Page 350
Scale 1"=40' Feb. 4, 2020
ols#664002

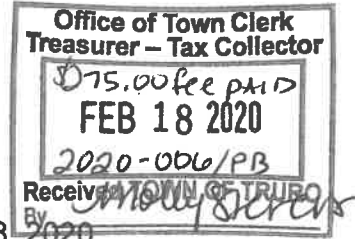


TOWN OF TRURO



PLANNING BOARD

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



Date: February 18, 2020

To The Planning Board of the Town of Truro Massachusetts,

The undersigned owners of all the land described herein submitted the accompanying plan entitled:

Plan of Land 23 Perry Road Truro MA and dated February 4, 2020, requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: 23 Perry Road Map(s) and Parcel(s): Map 45 Parcel 131

Number of Lots Created: 3 Total Land Area: 9.7+/- acres

The owner's title to said land is derived under deed from The Claire A. Perry Living Trust Agreement, dated 5/6/19, and recorded in the Barnstable Registry of Deeds Book and Page: 31999/350

or Land Court Certificate of Title No. _____ registered in Barnstable County.

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

- The accompanying plan is not a subdivision because the plan does not show a division of land.
- The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Truro zoning by-law under Section 50.1 (A) which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
 - a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or
 - a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely Harding's Road on PB 630 Page 58 and subject to the following conditions _____; or
 - a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____.

- The division of the tract of land shown on the accompanying plan is not a "subdivision" because it shows a

proposed conveyance/other instrument, namely _____ which adds to/takes away from/changes the size and shape of, lots in such a manner that no lot affected is left without frontage as required by the Truro zoning bylaw under Section 50.1 (A), which requires 150 feet.

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

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

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

Hillside Farm LLC _____
(Printed Name of Owner) (Signature)

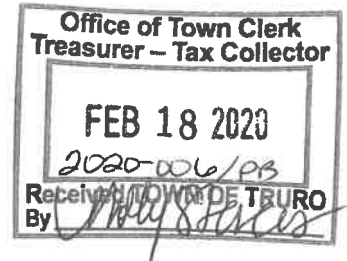
Samantha Perry mgr Samantha Perry mgr
(Printed Name of Owner) (Signature)

Box 228 Truro MA 02666 _____
(Address of Owner(s)) (Address of Owner(s))

(Printed Name of Agent) (Signature)

(Address of Agent)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk



February 18, 2020

Town of Truro Planning Board
Truro Town Offices
24 Town Hall Rd.
Truro, MA 02666

Re. 23 Perry Road

To the Planning Board

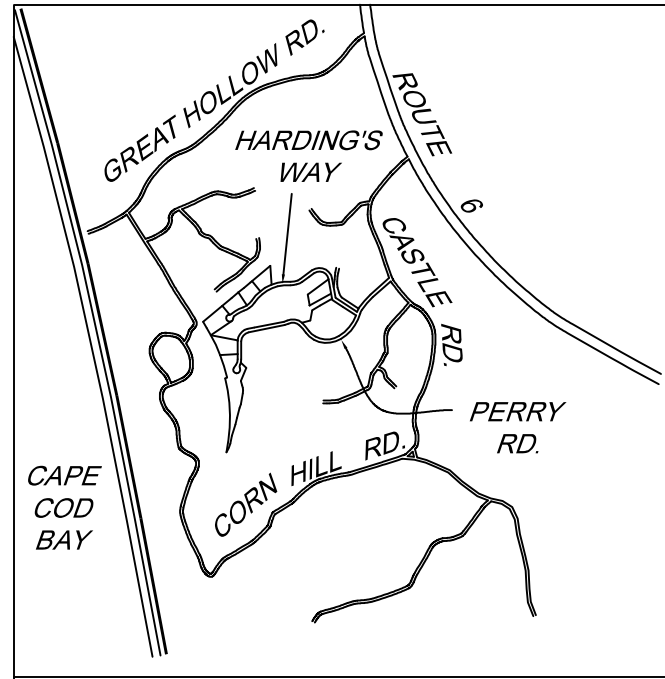
Enclosed you will find 12 copies of the Form A Approval Not Required Application accompanied by the ANR plan as well as a check made out to the Town of Truro for \$275.00 for your consideration.

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

Thank you.

Sincerely,

Dawn Sternlieb
Office Manager



LOCUS MAP (not to scale)
ASSESSORS MAP 45, PARCEL 131

For Registry Use

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED
Date: _____

Note: Planning Board endorsement of this plan indicates only that the plan is not a Subdivision under MGL Chap. 41, Sec 81-L, and does not indicate that a lot is buildable or that it meets Zoning, Health, or General Bylaw requirements.

I hereby certify that this plan was prepared in accordance with the Rules and Regulations of the Registers of Deeds.

Donald T. Poole PLS #32662

Date: _____

James J Armstrong tr 12-23-05
trs. James & Linda Armstrong
Assessor's Pcl 045-107

Raj & Meena Rajgopal
Assessor's Pcl 045-106

Rose Investment Trust
trs. Austin L Jr & Mary L Rose
Assessor's Pcl 045-35

Scott W Perry
Assessor's Pcl 045-143

Douglas Green
Assessor's Pcl 045-108

Goodman Family Nominee trust
trs. Helen G & Ethan M Goodman
Assessor's Pcl 045-109

Stephen R Perry living trust &
Perry Family LTD Partnership
Assessor's Pcl 045-141

Perry Family LTD Partnership
Richard B Perry et al gen part
Assessor's Pcl 045-132

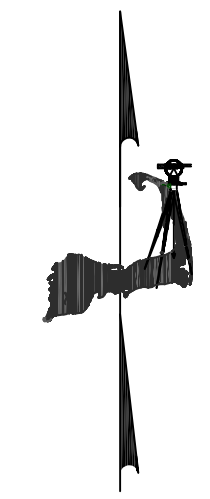
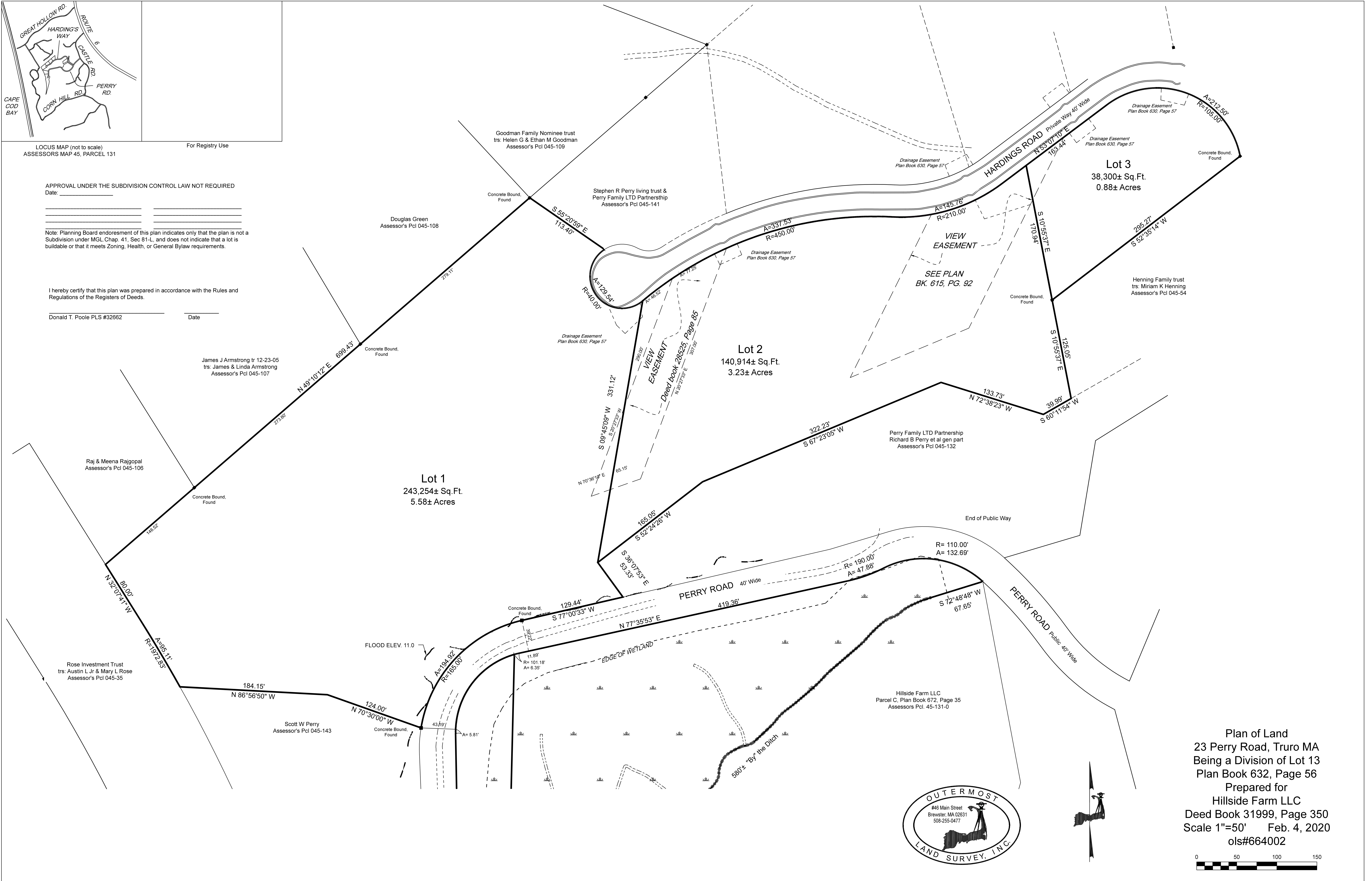
Hillside Farm LLC
Parcel C, Plan Book 672, Page 35
Assessor's Pcl. 45-131-0

Henning Family trust
trs. Miriam K Henning
Assessor's Pcl 045-54

Lot 1
243,254± Sq.Ft.
5.58± Acres

Lot 2
140,914± Sq.Ft.
3.23± Acres

Lot 3
38,300± Sq.Ft.
0.88± Acres



Plan of Land
23 Perry Road, Truro MA
Being a Division of Lot 13
Plan Book 632, Page 56
Prepared for
Hillside Farm LLC
Deed Book 31999, Page 350
Scale 1"=50' Feb. 4, 2020
ols#664002



APPROVAL OF MINUTES

**TOWN OF TRURO
Planning Board
MEETING MINUTES
August 14, 2019
TRURO TOWN HALL**

Members Present: Chair-Steve Sollog, Karen Tosh, Jack Riemer, Bruce Boleyn, Anne Greenbaum, Paul Kiernan

Members Absent: Peter Herridge

Others Present: Interim Town Planner-Jessica Bardi, Atty. Jonathan Silverstein

Chair Sollog called the meeting to order at 6:06 pm.

Public Comment Period: No public comments.

Discussion and approval of updated Truro Zoning Bylaw amended through April 2019.

Interim Planner Bardi reminded the Board that at their last meeting she was tasked with reviewing the Truro Zoning Bylaw amendments (as of the last certified Bylaw from the Clerk's office from 2010). She started going through 2011-2014 amendments which were approved at Town Meeting. She came across four or five small changes and she provided the Board with copies to review. The Board proceeded to review the issues with Interim Planner Bardi. There were several definitions voted to be removed from the Bylaw at Town Meeting (general housekeeping items) which for whatever reason never made it to the certified copy. There were also small additions (dates, omitted words) which were included in the new copy.

Member Riemer noted that backyard setbacks were missing from the table. Member Greenbaum stated that the table had the backyard setback in the 2010 certified copy. Atty. Silverstein added that most likely it was an omission. Interim Planner Bardi will check with the Town Clerk's office to be sure no amendment was made to drop the setbacks. In addition, Member Kiernan mentioned a spelling error he noticed that interim Planner Bardi shall correct.

Member Kiernan made a motion to approve the updated Truro Zoning Bylaw with amendments.

Member Boleyn seconded.

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

Discussion and approval of Planning Department Residential Site Plan Draft Model Application Packet.

The Board began by going over the procedure for submitting an application for residential site plan review. Requirements for submittal were read through.

Chair Sollog stated that there was a discussion regarding at what point does the Board determine that an application is complete, and who would be the authority, and that starts a clock. He wants to be sure that it's done correctly. Atty. Silverstein stated that the bylaw doesn't designate anybody, and he feels it's appropriate if the Planning Board wants to designate the Planner to make an initial determination of completeness and to provide a process by which an applicant can be informed that an application is not complete. With site plan review it's slightly less of a concern than special permit or variance. Member Kiernan asked; if the Town Planner determines the application to be complete, does the clock start then? Atty. Silverstein agreed. Member Tosh agrees that the determination of a complete application should be delegated to the Planner. If additional information is needed, then the clock will stop.

Member Riemer asks if an applicant needs a continuance, should they state the “due cause”? Atty. Silverstein suggests that the Board provide a Continuance Request Form that includes language agreeing to extend the deadlines. Chair Sollog likes the idea, as it creates uniformity and a paper trail. A discussion was then held regarding the 10-day deadline of applicants submitting additional information before a public hearing is held. Atty. Silverstein believes the 10-day deadline might be a bit strict. He suggested that the Board may want to add a sentence that says the Board reserves the right not to consider materials submitted at least 10 days prior to a public hearing. That will give them the ability to consider it if they wish to.

Chair Sollog went over the review criteria. Discussion occurred on various points; mainly centering upon whether the Board could require the listing of an easement. Since that is not included in the bylaw, the general consensus was that they would not include that as a checkpoint.

Member Riemer wished to talk about the abutter notification section. He noticed that the abutter request list for the Zoning Board of Appeals (under footnote 1) stated abutters were owners of land directly opposite on any public or private street, or way, and abutters to abutters within 300 feet of the property line. He wanted to know why the same thing was not asked for the Planning Board abutter notifications in site plan approval. Atty. Silverstein stated that the Planning Board was actually asking for more than what’s required for the ZBA. He continued to explain the difference between the Planning Board and Zoning Board abutter notification requirements. Member Riemer was satisfied with the explanation.

Chair Sollog asked if the Board was happy with the checklist, would they approve the concept and want to proceed with creating a similar package for all applications. Interim Town Planner Bardi interjected with a question regarding the filing fee. She believed that the amount has been \$250 and that the \$50 fee listed was a typo and asked if the Board wanted her to change that. Chair Sollog agreed. The Board agreed that they liked the concept and wanted to apply it to the other applications.

Member Tosh made a motion to adopt the procedure and application to be amended as discussed by the Interim Town Planner.

Member Boleyn seconded.

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

Member Kiernan asked if the Board could have a list of potential conditions so that they have something to reference. Chair Sollog wished to confirm that he was asking for a list of previously approved conditions so the Board can refer to them. Atty. Silverstein mentioned that previous conditions are usually fact specific. Chair Sollog suggested that Member Kiernan compile the list.

Discussion of goals and objectives of the Truro Planning Board, including discussion of zoning amendments for 2020 Annual Town Meeting.

Chair Sollog read through something previously submitted by Member Kiernan.

- Food trucks are not defined in bylaws.
- Street definition.

Member Greenbaum suggests doing a work-session just on Goals and Objectives and potential bylaws. A date of August 21, 2019 at 2:30 pm is chosen.

Approval of Minutes

May 1, 2019 and July 23, 2019 minutes of site visits for 37 Old Outermost Road and 16 Glacier Drive.

Member Riemer made a motion to approve the minutes of May 1, 2019 with amendments.

Member Boleyn seconded.

So voted; 5-0-1 (Member Greenbaum abstained as she was not a member of the Board), motion carries.

Chair Sollog made a motion to approve the minutes of July 23, 2019.

Member Tosh seconded.

So voted; 5-0-1 (Member Greenbaum abstained as she was not a member of the Board), motion carries.

Member Tosh made a motion to adjourn at 8:00 pm.

Member Boleyn seconded.

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

Respectfully Submitted,

Noelle L. Scoullar

**TOWN OF TRURO
Planning Board
MEETING MINUTES
October 9, 2019
TRURO TOWN HALL**

Members Present: Karen Tosh, Jack Riemer, Bruce Boleyn, Anne Greenbaum, Paul Kiernan

Members Absent: Chair Steve Sollog, Peter Herridge

Others Present: Interim Town Planner-Jessica Bardi, Cheri Mittenthal, Don Poole with Outermost Land Survey

Member Tosh called the meeting to order at 6:00 pm.

Public Comment Period: No public comments.

Public Hearing

2019-005/PB Truro Center for the Arts at Castle Hill, Inc. seeks the modification of a Definitive Plan of Land for #3 Edgewood Way, Plan Book 662, Page 87, pursuant to G.L. c. 41, Section 81W and Section 2.5.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at #3 and #6 Edgewood Way, Truro MA, Map 51, Parcels 34 and 88.

Don Poole and Cheri Mittenthal approached the Board. Mr. Poole reminded the Board that they had come before them approximately one month ago to discuss expunging a portion of a private way at Edgewood Way. There was a site visit yesterday where a Board member brought up if Castle Hill would agree to leave the existing turnarounds (of which there are currently three) unencumbered and Castle Hill does agree to that condition. They did receive a letter from the abutter, Mr. Kreuger, who addressed a concern with the lighting. Mr. Poole added that Castle Hill has downward facing lighting which was approved by the Historic Commission. They are asking that the Planning Board approve the expunging and modification of the way.

Member Tosh then read into the record the letter sent by Mr. Kreuger.

Member Tosh then announced that she would be recusing herself from deliberation, and, seeing as there were no citizens in the audience, also closed the Public Hearing.

Mr. Poole wanted the Board to know that the Board of Health gave a unanimous approval.

Member Riemer then began the deliberations and asked the Board members if they had any questions.

Member Kiernan stated that in his opening statement, Mr. Poole asked that Castle Hill would certify that the existing turnarounds would remain unrestricted. Ms. Mittenthal stated "yes". Member Kiernan then said that if for any reason they should remove all three, there should be a condition that they will create another turnaround within the circle that's designated. He would also like to mention that the road is big enough so that the frontage for lot two remains in place so that it will be a legal building lot for future development. Mr. Poole stated that they do agree to that condition and would like to suggest that at the time of endorsement they submit a statement of condition with Planning Board approval that can be filed with the plan.

Member Riemer brought up an issue with streetlights being installed by Castle Hill be required to be "dark sky" as required by Town Regulations. He feels as if this is an issue in general which is important to members of the Town. He would like to address this to ensure it will be required of Castle Hill or not. Ms. Mittenthal stated the lighting has been installed already. Member Riemer would like this identified

as a potential issue inasmuch they cannot identify the number of lumens. Interim Town Planner Bardi suggests to the applicant that since there are only four voting members on the Board tonight, and they'll need all four members to approve the plan, they may wish to get a sense of their thoughts before the actual vote. Mr. Poole asks if the vote fails, the Planning Board would need to come up with reasons for the disapproval.

Member Kiernan does not see any problems. Member Greenbaum is fine with the proposal. Member Boleyn is okay with the proposal. Member Riemer does not have a problem with the proposal. Member Greenbaum wished to respond to the concept of approving with the conditions regarding the turnarounds remaining unrestricted. She would vote in favor of that. Both members Kiernan and Boleyn agree. Member Riemer asked for a motion.

Member Greenbaum made a motion in the matter of 2019-005/PB Truro Center for the Arts at Castle Hill, Inc. to approve with conditions the modification of a Definitive Plan of Land for #3 Edgewood Way pursuant to G.L. c. 41, Section 81W and Section 2.5.5 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at #3 and #6 Edgewood Way, Truro, MA, Map 51, Parcels 34 and 88. Conditions would be that the three existing turnarounds remain unrestricted.

Member Boleyn seconded.

So voted; 4-0-0, motion carries.

Member Tosh rejoined the Board. She noted that the reason for her recusal is that she is a member of the Board at Castle Hill.

Public Hearing

2019-006/PB Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Definitive Subdivision Plan of Land, pursuant to G.L. c.41, Section 81S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at Route 6 and Amity Lane, Truro MA, Map 46, Parcel 8.

Interim Planner Bardi stated that the applicant has asked for a continuance until their November 6th meeting. Given that it's a preliminary plan, the Board has a 45-day window to take some preliminary action on the plan. The preliminary plan was submitted to the Planning Board, as well as the Board of Health, and after reviewing the plan Health and Conservation Agent Beebe found that a coastal bank exists on the property. Health and Conservation Agent Beebe relayed her comments to the applicant's engineer who is now looking into this matter and will most likely submit a revised plan with delineated wetlands and will likely change the scope of the project. The applicant's engineer has signed an extension agreement for the Board to extend the time to act until the November 6th meeting. Interim Planner Bardi is asking that they sign this extension agreement in place of Chair Sollog.

Member Greenbaum made a motion to accept the extension agreement and approve Member Tosh to sign.

Member Kiernan seconded.

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

Board Action/Review

T-Mobile Northeast LLC and Crown Castle LLC – Pre-application consultation in accordance with Section 40.5 of the Truro Zoning Bylaw for the proposed modification to an existing wireless communication facility located at 344 Route 6 in Truro, Massachusetts (Map 39, Parcel 172.A).

Review and vote on Applicants' request for waiver of Commercial Development Site Plan Review in accordance with Section 70.3 and Section 70.9 of the Truro Zoning Bylaw.

Interim Town Planner Bardi let the Board know that the applicant has asked for a continuance. This wasn't a formal application, so it's not on for a Public Hearing. It was a pre-application requested by the applicant to consult the Board regarding modifications to the cell tower behind the Public Safety Facility. They also sought a waiver of Site Plan Review. Interim Planner Bardi has spoken with the applicant's attorney and was told that the client wanted a continuance. No specific date was given. There are no time deadlines and a vote by the Board is not necessary.

Update on Past Work Sessions

Interim Planner Bardi stated that some people have brought to her attention that the work-sessions are not recorded, and they would like to know the content. Member Greenbaum went over her notes of previous sessions;

- The Board has been going over parts of the Zoning Bylaws that need to be updated.
- There are new items which have arisen (definition of food trucks).
- They have been looking at the ADU Bylaw.
- Reviewing major issues to see whether the Planning Board wants to work with the Town to see if they want to act on; (clean fill, lot coverage)

Update on Planning Board/Select Board ADU Ad Hoc Subcommittee

Member Greenbaum is a member and gave the Board an update. The ADU Ad Hoc Subcommittee has two Planning Board members, herself and Member Riemer, and two members of the Select Board, Member Burgess and Member Reed. This group is to look at the ADU Bylaw and see if there are ways the bylaw or the process can be improved to work better for the Town as a whole. The first meeting was held last week. Their goal is to bring to both Boards, in December, a sense of how to move forward, if at all. Are there areas that they think the Town should look at changing in the Bylaw? Are there areas they've looked at that should not be changed and whether they should work on something to be brought to Town Meeting.

At their first meeting they discussed what they meant by "improving the Bylaw". Simpler, clearer and still protecting the Town, the environment, and the character and residents of the Town is the working draft definition. They started identifying any issue anyone had heard about the ADU Bylaw, and then prioritized those issues into high, medium, and low priorities to look at them, and get them addressed.

High Priority were;

- Making the process easier
- Looking at the issue of Seashore Regulations and Town Regulations seemingly in conflict
- The fact that it's not appealable
- The question of whether or not the Board should be looking at if it conflicts with the homeowner's association covenant

They looked at the five ADU applications that have gone before the Planning Board to see what the process has been like (fast/slow). The most recent application was brought to the Board and approved at the same meeting, because that was the first application received after they decided to do their site visits before the first meeting. Two of the five applications were approved within a month of the first meeting. The two which took much longer were complex applications. One is inside the seashore and the other involved two other Boards.

Discussion for setting dates for future Board public workshops

A date of October 30, 2019 at 2:30 pm was agreed upon.

Discussion and vote on 2020 Hearing Schedule

Member Tosh made a motion to approve the 2020 Hearing Schedule.

Member Greenbaum seconded.

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

Member Greenbaum made a motion to adjourn at 6:33 pm.

Member Kiernan seconded.

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

Respectfully Submitted,

Noelle L. Scoullar

**TOWN OF TRURO
Planning Board
MEETING MINUTES
November 6, 2019
TRURO TOWN HALL**

Members Present: Steve Sollog, Karen Tosh, Jack Riemer, Bruce Boleyn, Anne Greenbaum, Paul Kiernan, Peter Herridge

Members Absent: None

Others Present: Town Planner-Jeffrey Ribeiro

Chair Sollog called the meeting to order at 5:00 pm.

Public Comment Period: No public comments.

Public Hearing – Continued

2019-006/PB Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer seek approval of a Preliminary Definitive Subdivision Plan of Land, pursuant to G.L. c. 41, Section 81S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with Respect to Property at Route 6 and Amity Lane, Truro, MA, Map 46, Parcel 8. REQUEST TO CONTINUE TO 12/4.

Chair Sollog stated the Public Hearing was opened and asked Town Planner Ribeiro to speak. Planner Ribeiro stated that the applicants have signed an extension agreement and they will have their materials in by the December 4th meeting.

Member Kiernan made a motion to continue the Public Hearing of 2019-006/PB until December 4, 2019.

**Member Herridge seconded.
So voted; 7-0-0, motion carries.**

Board Action/Review

Update on past Work Sessions

Chair Sollog stated that they have held some work sessions and they are productive. Member Kiernan said that he'd emailed Town Planner Ribeiro some of the definitions they'd been working on and they will be included in their next work session. Member Greenbaum suggested that at their next session they should look at their spreadsheet of what they've done, and what they'd like to prioritize.

Update on Planning Board/Select Board ADU Ad Hoc Subcommittee Work Sessions

Chair Sollog reminded all that this is an Ad Hoc Committee comprised of two members of the Planning Board and two members of the Select Board. Member Greenbaum stated that they are working their way through identified topics. At the last Planning Board meeting the issues of enforcement and lack of clear penalties was noted so they've added that to the list. They discussed doing a joint Planning Board/Select Board review for presentation in December. She is wondering if it would make more sense to hold an update to, and feedback from, each Board separately in December. Chair Sollog asked for clarification. Member Greenbaum explained rather than getting both Boards together for joint conversation, she thinks the most important thing is to update each Board, and get feedback from each

Board, and that might be easier to do at separate meetings. A joint meeting could be held in February. She would then ask that the Subcommittee report to the Planning Board at their next December meeting.

Discussion – Request from the Charter Review Committee for consultation with the Planning Board and potential recommendations on charter revisions.

Chair Sollog stated that there was some communication from the Charter Review Committee. Historically, he believes two years ago, he went to a Charter Review Committee hearing where they were considering the same item being discussed today. He spoke with them and suggested it was not a good idea and they let it sit. The Charter Review Committee originally stated they were charged by the Select Board to do this.

Member Tosh proceeded to read the emails into the record for viewers to have a context as to what was being discussed.

- Email of October 21, 2019 from Robert Panessiti stating that the Charter Review Committee has been charged with making a recommendation by the Select Board concerning the current provision calling for the election vs the appointment of the Planning Board. The email asks for them to meet to understand;
 - What are the current goals and objectives of the Planning Board?
 - What do they see as priorities in the short and long-term?
 - How do you see your role in the Town government, especially as it relates to the Select Board’s annual Goals and Objectives?
 - What have been your major accomplishments over the past five to ten years?
 - How do you feel about the current election process vs being appointed?
- Email of October 24, 2019 from Member Tosh after talking with Chair Sollog. They decided, based upon the breadth of the questions, the entire Board ought to be involved. Perhaps the Charter Review Committee could come to a Planning Board meeting. Member Tosh wrote back stating that she and Chair Sollog preferred to place the request on the agenda for the next Planning Board meeting for November 6, 2019 so the full Board could discuss the request and the questions raised.
- Email response by Robert Panessiti stated that the Charter Review Committee had been charged by the Select Board and was looking to gather information in order to fulfill that directive. Mr. Panessiti extended an invite for the Planning Board to come to a Charter Review Committee meeting.

Member Tosh stated that she then forwarded the email to a number of people as she thought it was of great interest and importance. The email was not labeled confidential, there was no confidential information contained therewith. It was upon forwarding the email that Member Tosh discovered that this topic was not a charge from the Select Board.

One of the recipients of Member Tosh’s email, Joan Holt, sent Mr. Panessiti an email voicing her objection to investigating the matter of appointing the Planning Board.

- Email from Mr. Panessiti to Member Tosh and Chair Sollog regarding the sharing of his email to people. It was stated that sharing the email would undermine the goals of good governance and ultimately undermine the process.
- Email dated November 5, 2019 from Mr. Panessiti asking Member Tosh and Chair Sollog to inform the Planning Board that the study, in order to make a recommendation to the Select Board concerning the election or appointment of the Planning Board is a Charter Review Committee initiative.

- Member Tosh wrote back stating she found it stunning that the Charter Review Committee did not want any community input now, and that it was a lack of transparency in government.

Member Tosh went on to state that she believes this is a power-grab, a personality conflict, and there is no legislative reason or identifiable goal to do this. If former, or current, members of the Select Board don't like Planning Board members they need to go to the ballot box.

Chair Sollog mentioned that he did not respond to any of the emails sent by Mr. Panessiti because they were sent to his personal email address, which he did not like. He did attend the meeting they were asked to be at and felt as though at some point the Planning Board was excoriated for what it's supposed to do. He does not consider that great governance. If the argument that the Planning Board would be more in line with the Select Board if they were appointed, then perhaps the Charter Review Committee could look at whether they could get more in line with what the Select Board was interested in.

Member Herridge would like to agree with what Member Tosh said. He feels it is a despicable power grab. The last time he saw this brought up with a group of Truro citizens it was roundly shut down. He noticed that Mr. Panessiti's comment to Ms. Holt about looking up the definition of representative democracy was rude and unjustified. He feels this has come about because the Planning Board, for the first time, has successfully controlled house size.

Member Boleyn subscribes to Member Tosh's observations as well. He feels the charges against the Board are empty and unwarranted.

Member Riemer believes everyone has voiced themselves well and he has nothing to add to their statements. He's found that being an elected official has caused him to act in a very thoughtful manner which represents the Town. The weight of doing his job and living up to the duty that they are required to perform takes a lot of thought and preparation. He's proud of the work the Board has done and the participation of each meeting they attend.

Member Kiernan is truly surprised upon being made aware of the series of emails. He believes in following the law, and that this is totally outside the ability of the Board to be open to the public. Their meetings are always open. To think that there is a Board in Town that wants to deal out of the public view is surprising, on the verge of abhorrent. He is so sad that Truro has to be able to deal with such an unbelievably secretive procedure. He thinks everything they do should be done out in the open. If there is a Board, such as the Charter Review Committee, that needs to say they've been directed by the Select Board and then come back and say that they haven't been directed by the Select Board makes him wonder if "Trump's come to Truro".

Member Greenbaum added that when she was deciding whether or not she wanted to run for the Planning Board the biggest tipping point was the fact that she'd been able to get to know the members of the Planning Board, seen them at work, and had a good sense of how seriously each individual took their work, and how seriously the Board as a whole takes its work. She feels the Town is lucky to have people who take their volunteer role so seriously. It pains her that the approach with which this has started has been so disrespectful to the members of this Board. The Charter Review Committee, she gathers, has the capacity to look at what is in the Charter and to see if they want to recommend changes. As Member Tosh has said, and others have echoed, that should be done in a very transparent way. It was apparent at the Charter Review Committee meeting on Friday that that was an uncomfortable way to proceed for some members of that Committee. She very much supports the Board's interaction with the Charter Review Committee happening in the Planning Board's meetings which are recorded. One of the things that happened at the Charter Review Committee meeting was that they were provided with a structure from the Collins Institute at UMass for looking at appointed vs. elected boards. Committee members received it at the meeting, said that they weren't able to develop questions until they had a chance to digest the material. She doesn't know that it would be a good use of the Planning Board's time right now to respond to questions that have been posed by the Charter

Review Committee before they've had a chance to sit with this new framework. It may make sense for the Charter Review Committee to have their next meeting, talk about how or if they are going to use this new framework, and from that what questions they may have of the Planning Board.

Discussion and approval of Commercial Site Plan Review packet

Chair Sollog stated that they have a checklist before them which is the red-lined version of what they reviewed at their last meeting. He read through the changes. Member Boleyn asked for a couple of wording additions.

Chair Sollog wanted to make a comment. When trying to build a site, the applicant may plan on certain things which may become unavailable. He asked Planner Ribeiro if they were requiring them to update their plan if, say, their paving material changes? Planner Ribeiro thinks what may be helpful is a minor modification process that is functionally similar to a site plan review waiver. If someone is trying to plant something similar to arborvitae (because they cannot purchase arborvitae) this would be helpful. A process where an applicant could come to a meeting and ask, "Is this non-substantive"? In relation to this conversation, Planner Ribeiro mentioned that the Planning Board would be seeing something soon regarding the cell tower, and the change of antennae. Currently, that requires a special permit and a site plan review. To have something in place to make applications like the cell tower be less cumbersome would be valuable. Member Greenbaum stated that anytime the Board can make things easier while ensuring protection make sense. Town Planner Ribeiro will propose some language.

Member Boleyn made a motion to approve the Commercial Site Plan Review Application with amendments as discussed.

Member Herridge seconded.

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

Discussion for setting dates for future Board public workshops.

Planner Ribeiro stated that they discussed this a bit at their last workshop. He provided the Board with a handbook produced by the Massachusetts Housing Partnership about the process for comprehensive permits under G.L. c.40B. The section most useful is the first one, to give some background on the various aspects of the General Law and the requirements. Chapter four gets into the hearing process, which they will be getting into soon. He just spoke with the applicant for the Cloverleaf project and that should be at the Clerk's office first thing in the morning. He should get the digital version, which can be distributed to the Board, along with printed copies if they'd like. It will be up to the Board to determine a timeline to digest the application and to formulate comments. The hearing is set to open on November 21, 2019. The first hearing will more or less be a presentation of the project, and he guesses that there will be no significant deliberation during that first hearing. They can put together a comment letter as it relates to site plan review sections.

Member Kiernan asked if the Cloverleaf hearings would be opened by the Zoning Board of Appeals.

Town Planner Ribeiro stated that was correct, and the hearings would be held at Town Hall at 5:00 pm.

Member Herridge said that under State law the Zoning Board of Appeals, considering a 40B needs to come up with rules, and file them with the Town Clerk. He believes the Planning Board should get a copy of those. He added that the ZBA has the power to condition, or control, what is done in a 40B.

It was decided that the Planning Board would hold a workshop before the November 21st Public Hearing. Monday, November 18th at 2:30 pm was agreed upon.

Chair Sollog asked a question regarding the financing of the Cloverleaf Project. How is it discussed?

Who discusses it? Where does that come up as part of the discussion? Town Planner Ribeiro stated a lot of that information will be included in the application. His understanding is that the majority of the subsidy is coming from Low Income Housing Tax Credits which comes from the Federal Government,

administered by the State. It will mostly be the Department of Housing Community Development. Chair Sollog asked if that money must be paid back. Planner Ribeiro stated that it depends. Chair Sollog is very concerned that this project costs Truro money which will come out of an increase in the taxes. He would like to be able to discern that at the earliest time possible.

Approval of Minutes

Member Tosh noticed the spelling of a name on the June 19, 2019 minutes was incorrect (Laughman).

Member Tosh made a motion to approve the June 19, 2019 minutes as amended.

Member Boleyn seconded.

So voted; 5-0-2, (Members Kiernan and Greenbaum abstained), motion carries.

Town Planner Ribeiro stated that he believed the Board was aware that the Merlini appeal is ongoing, related to an accessory dwelling unit permit. His understanding is the Town elected not to defend that appeal. It will be going for Summary Judgement on November 18th. Member Kiernan noted that he believed this was the first time the Select Board did not back the Planning Board.

Chair Sollog stated that the next Planning Board meeting would be held on Wednesday, December 4, 2019, at 5:00 pm.

Member Riemer made a motion to adjourn at 6:09 pm.

Member Boleyn seconded.

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

**Respectfully Submitted,
Noelle L. Scoullar**