



# Truro Planning Board Agenda

## Remote Meeting

Wednesday, April 12, 2023 – 6:00 pm  
[www.truro-ma.gov](http://www.truro-ma.gov)



### Open Meeting

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

Citizens can join the meeting to listen and provide public comment by entering the meeting link; clicking on the Agenda's highlighted link; clicking on the meeting date in the Event Calendar; or by calling in toll free at [1-866-899-4679](tel:1-866-899-4679) and entering the access code [991-646-709#](tel:991-646-709#) when prompted. Citizens will be muted upon entering the meeting until the public comment portion of the hearing. If you are joining the meeting while watching the television broadcast/live stream, please lower or mute the volume on your computer or television during public comment so that you may be heard clearly. Citizens may also provide written comment via postal mail or by emailing Liz Sturdy, Planning Department Administrator, at [esturdy@truro-ma.gov](mailto:esturdy@truro-ma.gov).

Meeting link: <https://meet.goto.com/991646709>

### 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.

#### 1. Planner Report

#### 2. Chair Report

#### 3. Minutes

- ◆ January 11, 2023
- ◆ January 25, 2023
- ◆ February 8, 2023
- ◆ February 22, 2023

**Temporary Sign Permit Application**

**Francie Randolph/Jackie Opitz – Sustainable CAPE**, Truro Educational Farmers Market, requesting four (4) 36" x 72" banners (three on Route 6 and one at Veterans Memorial Field). The banners will be installed on Friday afternoons and removed Monday afternoons beginning June 2<sup>nd</sup> and ending September 25<sup>th</sup>.

**Public Hearing**

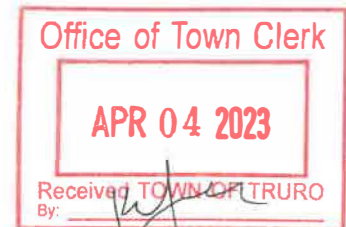
**2023-002/SPR Robert J. Martin** for property located at 100 Rt 6 (Atlas Map 55, Parcel 12). Applicant seeks Commercial Site Plan approval (selling firewood and other materials); on property located in the Seashore District.

**Discussion of Warrant Articles**

**Next Work Session:** Discussion

**Next Meeting:** Wednesday, April 26, 2023 at 4:00 pm

**Adjourn**



## STAFF MEMORANDUM

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To: Truro Planning Board  
From: Barbara Carboni, Town Planner/Land Use Counsel  
Date: April 10, 2023  
Re: April 12, 2023 meeting

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### **2023-002SPR –Robert J. Martin seeks Commercial Site Plan Approval with respect to property located at 100 Route 6 (Atlas Map 55, Parcel 12)**

#### Site Description

This property is located in the Seashore District. Containing 1.7 acres, it was the site of Jack's Gas Station.<sup>1</sup> It is currently owned by 100 Route 6 LLC (an entity evidently related to the Aiken Family Realty Trust) and leased to the applicant Robert Martin. Mr. Martin continues the practice of selling firewood on the property, which dates back to the time of gas station operation. Mr. Martin has installed additional storage structures for the firewood and signs for the business. More recently, additional materials such as loam and gravel have been placed on the site in separate storage areas contained by concrete block walls.

Commercial Site Plan Review is required under Bylaw s. 70.3.A.1 (“[a]ny construction, alteration, expansion or modification of any properties, structures, and uses other than that of single or two family residences. . .”

#### Submission materials

The applicant has requested that the requirement of a stamped site plan be waived due to cost and time required for preparation. A site plan dating to the time of remediation has been submitted. Given the uncomplicated nature of the current use, waiver of this requirement would be appropriate, provided that the applicant submits an older plan with current conditions/features clearly depicted by hand drawings.

#### Review and Approval under s. 70.3(F)

As the Board is aware, the review criteria/design guidelines for Commercial Site Plan Review are extensive (see Bylaw s. 70.3(F)(1)-(16)). However, some of these may be appropriate for waiver (e.g., the requirement of a bicycle rack, (F)(16)).

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<sup>1</sup> A gasoline storage tank leak was discovered in 2001 and remediation conducted. The station succumbed to fire in 2003. Firewood continued to be sold by a series of tenants.

## Zoning issues

Use of the property as a gas station, including the sale of firewood, was a pre-existing nonconforming use. (That is, the gas station use pre-existed adoption of the Seashore District regulations, which prohibit such use). The sale of firewood continued after the property ceased to be used as a gas station. For purposes of this memo, it is presumed that the sale of firewood continued, and continues to be protected as a pre-existing nonconforming use.

The sale of materials other than firewood on the property raises the issue of whether the current use – sale of firewood and of landscaping-related materials – is a “change or substantial expansion” of the pre-existing nonconforming use (i.e., sale of firewood only) of the property. If the current use it is found to be a “change or substantial expansion,” then pursuant to G.L. c. 40A, s.6 and s. 30.7 of the Zoning Bylaw, a special permit finding from the Zoning Board of Appeals is required (“not substantially more detrimental,” etc.). The Building Commissioner has determined that the current use is a “change or substantial expansion” of the pre-existing use, requiring a special permit finding from the ZBA. As is customary, the Planning Board should proceed with its Site Plan Review while the applicant pursues zoning relief on a separate track. A Site Plan approval may be conditioned upon zoning compliance – in this case, a special permit.



# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

January 11, 2023 – 5:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

### **Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Robin Reid (Attorney for Mary Read and the Ladd Family – Applicants); Fred Gaechter (Truro Conservation Trust); Victoria Dalmas (Attorney for Sylvia Russianoff – Applicant); Sylvia Russianoff (Applicant); John O'Reilly (Engineering/Land Surveying Representative for Sylvia Russianoff – Applicant); Ross Ain (Abutter of Sylvia Russianoff – Applicant); Ben Zehnder (Attorney for Katherine Cook and Christine Van Genderen – Applicants); Katherine Cook (Applicant); Christine Van Genderen (Applicant); Kaye McFadden (Cape Tip Construction and Builder for Katherine Cook and Christine Van Genderen – Applicants)

Remote meeting convened at 5:00 pm, Wednesday, January 11, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment.

Members introduced themselves to the public.

### **Public Comment Period**

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

### **Planner Report**

Town Planner/Land Use Counsel Carboni reported that there was nothing of particular note for this evening. Town Planner/Land Use Counsel Carboni provided an update about fully remote meetings and noted it was possible that after March 31, 2023, hybrid or in-person Town meetings and hearings will be required or current rules may be extended. Updates will be provided.

### **Chair Report**

Chair Greenbaum provided an update on the Local Comprehensive Planning Committee (LCPC) including the draft vision statement, draft goals, and existing conditions.

## **Minutes**

Chair Greenbaum led the discussion and review of the revised minutes of the October 19, 2022, meeting. Minutes were revised per December 14, 2022, review (page 2). Member Frazier abstained from the vote.

**Member Kiernan made a motion to approve the October 19, 2022, meeting minutes as amended. Member Riemer seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Abstained**

**Member Kiernan – Aye**

**Member Riemer – Aye**

**Vice Chair Roberts - Aye**

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

After the vote, Member Riemer requested a workshop be scheduled in January 2023 to discuss the Open Space and Recreation Plan as it was integral in any discussion regarding the Planning Board's comments on the LCPC. Town Planner/Land Use Counsel Carboni requested that the draft Housing Production Plan discussion be added to an upcoming meeting agenda or workshop. The requests were met without opposition.

## **Board Action/Review**

**Subdivision Pre-Submission Review - Mary Read and the Ladd Family** in the matter of a potential further subdivision of a large parcel on Keezer Court and a gift to the Truro Conservation Trust (TCT).

Prior to Attorney Reid's presentation, Chair Greenbaum announced that the Planning Board welcomed a subdivision pre-submission review and appreciated the Applicant's desire to do so.

Attorney Reid introduced Mr. Gaechter and then provided a presentation regarding the 2-step approach regarding the subdivision of a large parcel on Keezer Court and a gift to the Truro Conservation Trust.

Members, Town Planner Land Use Counsel Carboni, Attorney Reid, and Mr. Gaechter discussed the TCT's interest in acquiring this property and to put the land into conservation for perpetuity, any completed construction on the subdivision, any construction (road, cul-de-sac, dwelling) will be built in accordance with current Truro rules and regulations, the rural road alternative, and lots 27 and 28 frontage.

Several Members expressed their appreciation for the Ladd family's generosity to the Town of Truro over the years and expressed general support for the proposed project. Attorney Reid thanked the Members upon her departure from the meeting.

**2022-007/PB- Sylvia Russianoff** 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 47 Old County Road, Truro MA, Atlas Map 54, Parcel 11, Land Court Certificate of Title No. 174343.

**and**

**2022-008/PB - Sylvia Russianoff** 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 4 Fisher Hill Way, Truro MA, Atlas Map 54, Parcel 120, Registry of Deeds title reference: Book 18953, Page 155.

Prior to the above-mentioned actions regarding Ms. Russianoff's ANR applications, Member Riemer announced his recusal from these matters.

Attorney Dalmas introduced Ms. Russianoff and Mr. O'Reilly. Attorney Dalmas then presented an overview of the requested ANRs along with more detailed input from Mr. O'Reilly.

Members, Town Planner Land Use Counsel Carboni, Attorney Dalmas, Ms. Russianoff, and Mr. O'Reilly discussed the Fire Department's designation of street addresses for the property, Lots 7 and 8 are identified on the plan as Old Country (sic) Road and should be Old County Road, easement to the house, merging of the two lots under one ANR, the criteria which the Planning Board must consider for its findings to endorse the ANRs, any changes that the Planning Board would like to see prior to approving the endorsement for the plan, Mr. Ain's support for the Applicant's applications, the crafting of an easement for the benefit of the neighborhood, the intention of B1 and B2 are to be maintained in their natural state and the easement is crafted that access can't be created over B2, and Town Planner/Land Use Counsel Carboni's opinion that the Planning Board can't impose conditions or limitations on an endorsement of an ANR as the ANR is different than a Special Permit.

**Member Althaus made a motion to endorse the plan as an ANR in the matter of 2022-007/PB as submitted.**

**Member Kiernan seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Kiernan – Aye**

**Member Riemer – Abstained**

**Vice Chair Roberts - Aye**

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

**Member Althaus made a motion to endorse the plan as an ANR in the matter of 2022-008/PB as submitted.**

**Member Kiernan seconded the motion.**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Kiernan – Aye**

**Member Riemer – Abstained**

**Vice Chair Roberts - Aye**

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

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

**2022-012/SPR- Katherine S. Cook and Christine Van Genderen**, for property located at 38 Cliff Road (Atlas Map 32, Parcel 19, Registry of Deeds Book 33307 and Page 344). Applicants seek approval of amended Site Plan to reflect construction not authorized by Residential Site Plan approval granted in Case **2020-005/SPR**, including enclosure of screened porch to create living room; altered basement and first floor layouts; and addition of second floor living space in place of deck, located in Seashore District.

Attorney Zehnder provided introduced the Applicant and representatives present. Attorney Zehnder provided background and an update on the project.

Members, Town Planner/Land Use Counsel Carboni, Attorney Zehnder, Ms. Van Genderen, and Ms. McFadden discussed the Site Plan Review, Chair Greenbaum's concerns from when the Town informed the Applicants of issues with the building permit with the request to immediately contact the Building Department and the nearly 8 month gap for the Applicants to retain Attorney Zehnder and to respond to the Building Department, did Ms. McFadden go to the Building Department to obtain change orders on the issued building permit, did Ms. McFadden meet all of the conditions of the approved Site Plan Review, discrepancies between the Site Plan Review and what was constructed on the 2<sup>nd</sup> floor which was altered and not approved, did the Building Commissioner approve the changes from the original Site Plan Review, Town Planner/Land Use Counsel Carboni's confirmation that the Building Commissioner initialed the amended floor plan after the fact only reflected that what was built but did not approve the changes as he does not have the authority to do so as that authority is held by the ZBA and the Planning Board, what would the Applicants have to do if the Planning Board denied this application to which the Town Planner/Land Use Counsel Carboni could not defend the denial if it had a punitive intent, the Applicants' non-compliance of the sequence of events in accordance with the ZBA Bylaw for Site Plan Review, Members should conduct the review of this matter as if it was an application for future changes to this building, an apology from Ms. Van Genderen to the Members, the purpose of the Applicants' upcoming appearance in front of the ZBA, the inclusion of a finding of facts incorporated into a draft decision, and the addition of reasonable conditions for this application as it pertains to Site Plan Review.

Chair Greenbaum asked if there were any members of the public who wanted to comment and there were none.



**Member Riemer made a motion to close the public hearing in the matter of 2022-008/PB.**

**Member Kiernan seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Kiernan – Aye**

**Member Riemer – Aye**

**Vice Chair Roberts - Aye**

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

Chair Greenbaum asked Members to look at the Site Plan Review process for this project and to set aside that the project has already happened. Chair Greenbaum asked Members to consider any conditions. Members discussed a proposed finding of facts with Town Planner/Land Use Counsel Carboni who agreed to include a procedural history as part of the draft decision.

**Member Kiernan made a motion to approve the Site Plan Review for 38 Cliff Road.**

**Member Althaus seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**

**Member Kiernan – Nay**

**Member Riemer – Nay**

**Vice Chair Roberts - Nay**

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

Chair Greenbaum announced the approval of the Site Plan Review and Town Planner/Land Use Counsel Carboni will draft the decision.

#### **Potential Warrant Article Discussion**

Chair Greenbaum announced a work session to discuss the “Street” Definition Bylaw on January 18, 2023, 4 pm – 5:30 pm and a work session on February 1, 2023, 4 pm – 5:30 pm, to discuss the Open Space and Recreation Plan and the Housing Production Plan.

**Member Riemer made a motion to adjourn the meeting at 7:46 pm.**

**Vice Chair Roberts seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus – Aye**

**Member Frazier – Aye**  
**Member Kiernan – Aye**  
**Member Riemer – Aye**  
**Vice Chair Roberts - Aye**  
**So voted, 7-0, motion carries.**

Respectfully submitted,

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

Alexander O. Powers  
Board/Committee/Commission Support Staff



# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

January 25, 2023 – 5:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

**Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Select Board Liaison John Dundas; Regan McCarthy (Applicant); Christopher Senie (Attorney for Regan McCarthy – Applicant); Victoria Dalmas (Attorney for Regan McCarthy – Applicant); Kieran Healy (BSC Group Surveyor and Representative for Regan McCarthy – Applicant); Chris Lucy (Vice Chair of the ZBA); Anthony Garrett (President of Truro Part-Time Resident Taxpayers' Association)

Remote meeting convened at 5:02 pm, Wednesday, January 25, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Vice Chair Roberts also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

**Public Comment Period**

Public comment, for items not on the agenda, was opened by Chair Greenbaum who recognized Member Riemer. Member Riemer advised the Members of the recent Board of Health meeting regarding the potential closure and culvert designs for Mill Pond Road.

**Planner Report**

Town Planner/Land Use Counsel Carboni reported that as part of the budget process she prepared a job justification form, along with a memorandum, to request the creation of a Housing Coordinator role. It was favorably received yesterday by the Budget Task Force and Town Planner/Land Use Counsel Carboni said that she hoped it would be added to the Warrant. Members expressed support for the Housing Coordinator role and asked for Town Planner/Land Use Counsel Carboni to forward to them the submitted job justification form and memorandum for the role.

Members discussed the seasonal community of Telluride, Colorado, that has similar housing challenges like Truro and how Telluride addressed workforce housing for reasonable rent and the ZBA's recent meeting regarding ADU designs such as a potential "small house" design plan.

At the Members' request, Town Planner/Land Use Counsel Carboni will forward the Housing Coordinator request packet to the Members.

Town Planner/Land Use Counsel Carboni also provided an update on the Walsh Property Community Planning Committee's last meeting and the planning discussions which occurred to include the number of units and a transportation study. Chair Greenbaum suggested that interested individuals in the Walsh Property view the WPCPC's last meeting video on the Town's website for more detailed information.

Members and Town Planner/Land Use Counsel Carboni discussed Walsh Property milestones, the number of units agreed upon and the transportation study for the Walsh Property.

Chair Greenbaum noted that for specific information regarding the number of 260 units agreed upon as a basis, individuals should watch the last 10 minutes of the most recent Walsh Committee meeting on the Truro website.

Members and Town Planner/Land Use Carboni briefly discussed the multiple unit housing effort with input from Health and Conservation Agent Emily Beebe, the status of the draft Stormwater Bylaw, and the ZBA's recent discussion on house size provisions and criteria for the granting of Special Permits in the Residential District and the Seashore District (topic will be added to a Planning Board's upcoming April 2023 meeting).

### **Chair Report**

Chair Greenbaum recognized Member Althaus who provided an update from today's Ad Hoc Group meeting regarding the challenges of housing in Truro and potential solutions.

Chair Greenbaum announced the Duplex Article had been submitted to the Select Board and was awaiting the Select Board's date for a review and return to the Planning Board so a public hearing could be scheduled.

Chair Greenbaum noted that the Warrant is open until late February 2023.

### **Minutes**

None

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

**2022-005/PB - Regan McCarthy** 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 35A Higgins Hollow Road, Truro MA, Atlas Map 4 7, Parcel 2, Registry of Deeds title reference: Book 20807, Page 42.

Chair Greenbaum announced that the Applicant, through Attorney Senie, had requested in a letter to the Members a withdrawal of the ANR without prejudice. Additionally, Chair Greenbaum noted, at the recommendation of Member Kiernan, that if the Applicant submitted an ANR in the future that the fee would be waived.

Attorney Senie provided an update regarding the process with the National Seashore and the reasons for the ANR withdrawal.

**Member Kiernan made a motion to approve the withdrawal of the ANR without prejudice and any resubmission would result in the fee being waived.**

**Vice Chair Roberts seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan - Aye**

**Vice Chair Roberts - Aye**

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

### **Discussion of Local Comprehensive Plan Vision Statement**

Chair Greenbaum noted that she and Member Althaus serve on the Local Comprehensive Plan Committee (LCPC) and she provided an update on the draft Vision statement. Chair Greenbaum added that the LCPC is also close to finalizing the draft goals and objectives. Members provided comments of support for the Vision statement as well as a recommended changes which will be taken back to the LCPC for consideration.

Highlighted topics discussed among Members and Town Planner/Land Use Counsel Carboni included trailers on properties, the protection of recreational fresh and saltwater environments, solar farms, and inadequate telephone services in Town.

### **Warrant Article Discussion on “Street” Definition**

Vice Chair Roberts led the review of the most recent version previously discussed among Members. Vice Chair Roberts noted that comments and input from Members and interested residents were still welcome.

Members reviewed the new Section 30.11 Streets and Frontage.

Highlights of the topics discussed by Members and Town Planner/Land Use Counsel Carboni included the new term “travel way”, minimum requirements of a “street” to receive a permit, “ways” qualified as “streets”, “right of ways”, utility panels, letter of petition, a potential requirement that if a petitioner does not have to appear in front of the ZBA the petitioner agrees to no further division of land, the findings and noted public safety concerns or lack thereof, a declaration of an unpaved road not to be a “street”, public hearing notification timelines and the identification of notification addressees, the appeals process for a Planning Board decision not to approve an application to the ZBA in accordance with M.G.L. Ch. 40 Section 17, enforcement of road maintenance as dirt roads may be defined as

“streets”, the recording process by the Town Clerk on the Town’s streets list and the document recorded with the Barnstable County Registry of Deeds, Building Commissioner’s discretion to withhold a permit until a road is deemed in compliance and safe, surveyor requirement (flagged), and the issues associated with an extension of a subdivision beyond a cul-de-sac of a previously approved road.

Members, ZBA Vice Chair Lucy, and Mr. Garrett discussed the possibility of conditioning the subdivision of lots until unpaved roads are improved to obtain a permit. Without a roll call vote taken, no Member voiced opposition to this recommendation.

Chair Greenbaum announced that this revised draft will be reviewed again, in a Warrant article format, at next week’s work session. On the agenda for the upcoming work session are “Street” Definition and the Housing Production Plan (HPP).

**Member Riemer made a motion to adjourn the meeting at 7:13 pm.**

**Member Kiernan seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Kiernan – Aye**

**Member Riemer – Aye**

**Vice Chair Roberts - Aye**

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

February 8, 2023 – 5:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

### **Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Health and Conservation Agent Emily Beebe; Select Board Liaison John Dundas; Christopher J. Snow (Attorney and Applicant); Sally McSween (Representative for the Condominium Association); Ben Zehnder (Attorney for the Abutters: Marie Belding and Pat Callinan); William Rogers (Engineer/Surveyor for the Applicant); Gary Locke (Project Engineer for the Applicant); Michael Flannery (Owner at Ebb Tide)

Remote meeting convened at 5:00 pm, Wednesday, February 8, 2023, by Vice Chair Roberts who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Vice Chair Roberts also provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

### **Public Comment Period**

Public comment, for items not on the agenda, was opened by Vice Chair Roberts and there were none.

### **Planner Report**

Town Planner/Land Use Counsel Carboni reported that there was nothing new to report.

### **Chair Report**

Chair Greenbaum reported that she was aware of Members interested in the Mill Pond Road process and that there will be a public forum on March 8, 2023, at 5 pm. Chair Greenbaum asked Members if they were in favor of cancelling the Planning Board meeting scheduled for March 8, 2023, at 5 pm so they could attend the public forum. Members unanimously agreed to cancel the Planning Board's meeting on March 8, 2023.

### **Minutes**

Chair Greenbaum led the review of the minutes of December 7, 2022, for comments, corrections or edits. None were made.

**Vice Chair Roberts made a motion to approve the minutes from December 7, 2022, as submitted.**

**Member Riemer seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan - Aye**

**Vice Chair Roberts - Aye**

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

### **Public Hearing**

**2023-001/SPR - Ebb Tide on the Bay Condominiums**, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for a project involving move of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District.

Chair Greenbaum recognized Attorney Snow who introduced the Applicant's representatives. Attorney Snow then presented background and additional information on this project.

Chair Greenbaum then recognized Health and Conservation Agent Beebe who provided background on this project and desired outcomes once the project is completed from the Conservation Commission's perspective.

Members and Health and Conservation Agent Beebe discussed the following highlighted topics: confirmation that the Applicant has the support of the Conservation Commission and the Board of Health; and confirmation that an AI system will be installed; project includes reconstruction and not relocation; dune restoration plan; compliance with Flood Zone requirements; the effect of shifting ground water from high tide water elevation; the Dune Restoration Plan.

Chair Greenbaum recognized Mr. Flannery who had a question about the owners at Ebb Tide incurring the expense of the dune restoration when it benefitted the Town. Since this was not in the scope of tonight's hearing, Health and Conservation Agent Beebe will discuss this question directly with Mr. Flannery outside of the hearing setting.

Chair Greenbaum recognized Attorney Zehnder who stated that he represented the Abutters of this project.

Chair Greenbaum then asked Members if there were any questions or statements which required additional information by using the Planning Board checklist. Members requested additional information on stormwater drainage; location and description of utilities (will be added to the revised plan); project cost; and the time estimate of the project.



Chair Greenbaum recognized Attorney Zehnder who discussed with the Applicant's representatives the following highlighted topics: the proposed gross floor areas are measure within the parameters of the Bylaw; locations of the 9 parking spaces; lifting the structures and then addition of another floor; and the methodology of this project to ensure there is no damage to the Abutters' property.

Attorney Snow clarified that the proposed additional floor is a ½ story only.

Chair Greenbaum asked Members if they had additional questions and Members discussed the following topics with Town staff and the Applicant's representatives: request for the fire chief to provide a written review the application about the height of the proposed building and fire safety; copy of the original parking plan; the original ZBA conditions on the condominium conversion; and the project is designed for year-round use.

**Member Riemer made a motion to continue this matter to February 22, 2023, at 5 pm.**

**Member Kiernan seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan - Aye**

**Vice Chair Roberts - Aye**

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

After the vote, Town Planner/Land Use Counsel Carboni commented that it is her departmental goal to digitize Planning Department records to include decisions so anyone could access information online from a single source repository which would be a much more efficient way to conduct business.

### **Warrant Article Discussion on “Street” Definition**

Vice Chair Roberts noted that tonight the Members will review the last two paragraphs of the proposed Warrant article. Vice Chair Roberts added that the most recent draft was forwarded to the police chief, fire chief, DPW director, Building Commissioner, Select Board Member John Dundas and ZBA Vice Chair Chris Lucy for comments. Vice Chair Roberts noted that he had received some comments but they have not yet been added to the current draft.

Members reviewed the new Section 30.11 Streets and Frontage.

Highlights of the topics discussed by Members and Town Planner/Land Use Counsel Carboni were: roadways ineligible for “street” status; future development considerations; review criteria; approval process; decision; appeal; and the recording of the “street” status decision with the Town Clerk and the Barnstable County Registry of Deeds.

Chair Greenbaum thanked Vice Chair Roberts for his work on behalf of the Members as well as the Members for their participation in this process.

Chair Greenbaum encouraged all Members to send any anticipated questions that may occur at the Town Meeting to Liz Sturdy, Planning Department Administrator, as well as a response to address those anticipated questions (i.e. will the Town plow my road?).

**Member Riemer made a motion to adjourn the meeting at 7:05 pm.**

**Member Kiernan seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Kiernan – Aye**

**Member Riemer – Aye**

**Vice Chair Roberts - Aye**

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff



# TOWN OF TRURO

## PLANNING BOARD

Meeting Minutes

February 22, 2023 – 5:00 pm

REMOTE PLANNING BOARD MEETING

**Members Present (Quorum):** Anne Greenbaum (Chair); Rich Roberts (Vice Chair); Jack Riemer (Clerk); Paul Kiernan; Ellery Althaus; Caitlin Townsend; Virginia Frazier

**Members Absent:**

**Other Participants:** Town Planner/Land Use Counsel Barbara Carboni; Fire Chief Timothy Collins; Health and Conservation Agent Emily Beebe; Select Board Liaison John Dundas; Christopher J. Snow (Attorney and Applicant); William Rogers (Engineer/Surveyor for the Applicant); Gary Locke (Project Engineer for the Applicant); Ben Zehnder (Attorney for the Abutters: Marie Belding and Pat Callinan); Marie Belding (Abutter); Michael Flannery (Owner at Ebb Tide); Regan McCarthy (Truro Part-Time Resident Taxpayers' Association)

Remote meeting convened at 5:00 pm, Wednesday, February 22, 2023, by Chair Greenbaum who announced that this was a remote public meeting aired live on Truro TV Channel 18 and was being recorded. Town Planner/Land Use Counsel Carboni provided information as to how the public may call into the meeting or provide written comment. Members introduced themselves to the public.

**Public Comment Period**

Public comment, for items not on the agenda, was opened by Chair Greenbaum and there were none.

**Planner Report**

Town Planner/Land Use Counsel Carboni reported that she would be happy to answer any questions regarding her request to hire a Housing Coordinator to assist in achieving the Town's Housing Production Plan's goals. There will be an event on March 8, 2023, to discuss the proposed Mill Pond Road project and the proposed relocation of the DPW Facility. Additional information is available on the Town's website. Town Planner/Land Use Counsel Carboni also updated the Members on the resignation of the Co-Chairs of the Walsh Property Community Planning Committee (WPCPC) but they will remain on the committee. The WPCPC's next meeting will be held on March 1, 2023, at 6:00 pm.

**Chair Report**

Chair Greenbaum reported that she had sent an email to Assistant Town Manager Kelly Clark regarding the number of Zoning Articles which will be on the Warrant as public hearings have to be scheduled. Chair Greenbaum reminded Members that the regular Planning Board meeting on March 8, 2023, has been cancelled so Members may attend the Town meeting to discuss the proposed Mill Pond Road project and the proposed relocation of the DPW Facility. Chair Greenbaum also noted that the Planning

Board's discussion to provide feedback on the draft Open Space and Recreation Plan and the draft Housing Production Plan will be added to a future agenda.

### **Minutes**

Chair Greenbaum led the review of the minutes of December 14, 2022, for comments, corrections, or edits. Minutes were amended to reflect the correct spelling of Member Riemer's name.

**Member Riemer made a motion to approve the minutes from December 7, 2022, as amended. Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan - Aye**

**Vice Chair Roberts - Aye**

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

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

**2023-001/SPR - Ebb Tide on the Bay Condominiums**, for property located at 538 Shore Road (Atlas Map 7, Parcel 7, Registry of Deeds Book 5671 and Page 232). Applicants seek Commercial Site Plan approval for a project involving move of three buildings shoreward; relocation of septic system; and related modifications to site; on property located in the Beach Point Limited Business District.

Chair Greenbaum thanked the Applicant for the submission of additional documents requested by the Members ahead of tonight's hearing.

Members, Town staff, Applicant, and Attorney Zehnder discussed the following highlighted topics in this matter: fire safety, updated information provided by Health and Conservation Agent Beebe, the special conditions required by the Conservation Commission, checklist items required for upgraded seasonal-to year-round occupancy for condominiums on Beach Point, additional square footage for ½ story, and the adequacy of the septic system based upon number of bedrooms.

Attorney Snow reiterated that he represented the Condominium Association and not any individual condominium owners in this matter. Attorney Snow provided an update to the Members and the public.

Chair Greenbaum asked Members if they had any other questions or concerns to discuss with the Applicant and the Applicant's representatives. Topics raised by Members included the proposed parking plan, the risk and hazards of backing out on to Route 6A from the property, redesigning the project to address parking issues after the Applicant has already spent nearly \$100K in project design costs, locations of the air conditioning units on the exterior wall, equity issues regarding the Applicant's neighbors outside of the site, the green space increase, the ongoing positive discussions between the

Applicant and the Abutter addressing the Abutter's concerns, the proximity of the building to the neighbor's property, installation of the pilings and the impact to the neighbor's property.

Chair Greenbaum asked if Members of the public had comments and Mr. Flannery was recognized. Mr. Flannery commented on the parking situation, the height of the building, and the height of the Abutter's building.

Chair Greenbaum recognized Ms. Belding who asked Member Kiernan how FEMA determined allowable height of a building. Member Kiernan answered the question and Mr. Locke read aloud the FEMA regulation.

Aside from the Engineering Report that Members felt was necessary, Chair Greenbaum asked Members if there was a need for more information. Members requested the language from the Applicant's and Abutter's attorneys for what could be included in the conditions if the project is approved, electric panel location, and the defined refuse area.

**Member Riemer made a motion to continue this matter to March 22, 2023, at 6 pm.  
Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan - Aye**

**Vice Chair Roberts - Aye**

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

### **Warrant Article Discussion**

Chair Greenbaum stated that the Warrant would close tomorrow, February 23, 2023, so Members had to vote on the proposed Article this evening for it to be on the Warrant. The purpose of this Article is to change the process by which a "non-street" can become a "street" and not make a "non-street" into a "street".

Vice Chair Roberts led the Members with the review of the comments submitted by the Truro Part-Time Resident Taxpayers' Association (TPRTA) on Section 30.11 Streets and Frontage with input from Ms. McCarthy who commented that the TPRTA supported the draft Article and commented on "ways" previously qualified as "streets" and the word "grandfathered".

Highlights of the topics discussed by Members and Town Planner/Land Use Counsel Carboni included: a placeholder on the Warrant should this draft Article not be ready for submission, distinguish the differences and clarify the definitions of "roadway" and "travel way", the word "grandfathered", grandfathering "lots" instead of "streets", and the submitted written comments from DPW Director Jarrod Cabral.

**Member Kiernan made a motion to send the draft Article to the Select Board with the amendments of moving 30.11.A2 to 10.4 and including 30.11.B as written in version 13.**

**Member Frazier seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Riemer – Aye**

**Member Kiernan - Aye**

**Vice Chair Roberts - Aye**

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

Chair Greenbaum will forward the draft Article to the Select Board, and she requested that TPRTA and ZBA Vice Chair Lucy continue to participate in this process.

### **Discussion of Potential Scenic Road Recommendation**

Chair Greenbaum led the discussion with Members on M.G.L. 40 §15C regarding the recommendation process and procedure for the scenic road designation for Mill Pond Road. Members will pursue a Scenic Road Bylaw in partnership with the Historic Commission and/or the Conservation Commission.

Following the discussion on Mill Pond Road, Chair Greenbaum announced that the Planning Board had recently received two ANR requests which had to be heard within 21 days. Chair Greenbaum polled the Members for availability for a meeting on March 1, 2023, at 4 pm, to hold the initial public hearings on these matters. Only one Member is unavailable on that date. Chair Greenbaum will forward the information to Planning Department Administrator Sturdy for notifications.

**Member Riemer made a motion to adjourn the meeting at 7:33 pm.**

**Member Kiernan seconded the motion.**

**Roll Call Vote:**

**Chair Greenbaum – Aye**

**Member Townsend – Aye**

**Member Althaus - Aye**

**Member Frazier – Aye**

**Member Kiernan – Aye**

**Member Riemer – Aye**

**Vice Chair Roberts - Aye**

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

Respectfully submitted,



Alexander O. Powers

Board/Committee/Commission Support Staff

TOWN OF TRURO



PLANNING BOARD

Office of Town Clerk  
MAR 31 2023  
Paid \$100.00  
Received TOWN OF TRURO  
By: [Signature]

Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

Applicant Name: SUSTAINABLE CAPE Date: 3/23/23

Applicant Contact Information: PO BOX 988 TRURO, MA 02666  
Mailing Address

(406) 861-0705 JACKIE@SUSTAINABLECAPE.ORG  
Phone Email

Number of Signs Requested: 4

Temporary Sign Dimensions: Height 36" Width 72" *Please attach a "to scale" copy of the proposed sign(s)*

Location(s) of Proposed Temporary Sign(s): FID # 92, STORE RD + RT. 6, 20 TRURO CENTER RD, TRURO CENTER DS. + RT 6

Map(s): SEE ATTACHED Parcel(s): \_\_\_\_\_ *Please use additional sheet(s) for multiple locations*

Date(s) of the Event in Which the Sign is Intended: FRIDAYS - MONDAYS 6/2 - 9/25

Date When Sign(s) will be: Installed: FRIDAYS 6/2 - 9/22 Removed: MONDAYS 6/5 - 9/25

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

TOWN OF TRURO / VETERAN'S FIELD 20 TRURO CENTER RD, TRURO, MA 02666  
Name Mailing Address

1  
Phone Email

Applicant Signature: [Signature] Date: 3/23/23

Applicant Printed Name: JACKIE DRITZ

Owner Signature (which also authorizes the use of the property): \_\_\_\_\_ Date: \_\_\_\_\_

Owner Printed Name: \_\_\_\_\_

Planning Board Action: Approved Approved w/Conditions Denied

Conditions: \_\_\_\_\_

Board Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

cc: Building Commissioner, Select Board

Office of Town Clerk

MAR 31 2023

Received TOWN OF TRURO  
By: *CA*

051-071-000 - CYR ADRIAN & ANNETTE  
8 OLD PAMET RD





Office of Town Clerk  
**MAR 31 2023**  
Received TOWN OF TRURO  
By: *[Signature]*



050-153-000 - TOWN OF TRURO  
20 TRURO CENTER RD

N Pamel Rd

S Pamel Rd

Osprey Way

US-6

Old Pamel Rd

Truro Cen.

Castle Rd

Deerfield Rd

Depot Rd

2 View Dr



S Hollow Rd

Daniel Ln

Office of Town...  
MAR 31 2023  
Received TOWN... TRU...  
By: [signature]

Kyle Way

Russell Way

CLARK RD

US-6



Shore Rd

Amber Way

Turnstone Rd

Sand Pit Rd

Office of Town Clerk

MAR 31 2023

Received TOWN OF TRURO

Street Names - Truro, MA

### Street Names

FID	92
FRC	6
FOW	10
STATE	Massachusetts
FULLNAME	
FULLNAME1	
RENDER_CL	9

Zoom to

US-6

S Pamet Rd

Osprey Way

Old Pamet Rd

Truro Center Rd

Castle Rd

Office of Town Clerk

MAR 31 2023

RECEIVED TOWN OF TRURO

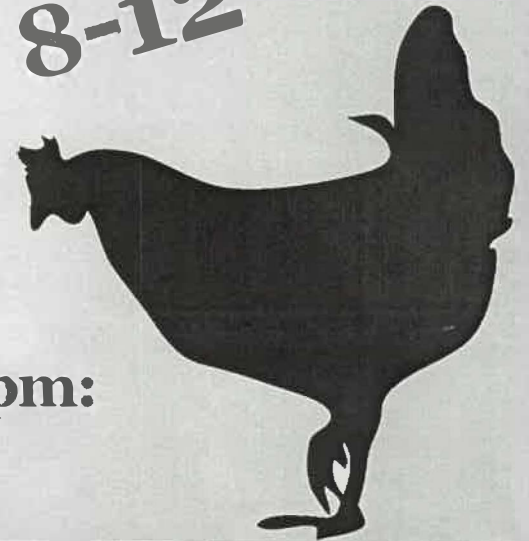
Sustainable CAPE's

# TRURO FARMERS' MARKET

*mondays*  
*8-12*

pre-order online Fri. 5am - Sat. 5pm:

**ShopLocalFood.org**



INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

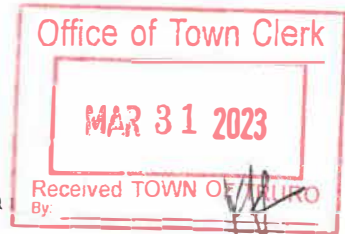
DEPARTMENT OF THE TREASURY

Date: MAY 16 2012

SUSTAINABLE CAPE-CENTER FOR  
AGRICULTURAL PRESERVATION &  
C/O GEORGE W MALLOY  
45 DEPOT ROAD PO BOX 1004  
TRURO, MA 02666-1004

Employer Identification Number:  
45-2029981  
DLN:  
17053181329031  
Contact Person:  
MARGARITA D BARRAGAN ID# 95118  
Contact Telephone Number:  
(877) 829-5500

Accounting Period Ending:  
December 31  
Public Charity Status:  
509(a)(2)  
Form 990 Required:  
Yes  
Effective Date of Exemption  
June 10, 2011  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No



Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 947 (DO/CG)

SUSTAINABLE CAPE-CENTER FOR

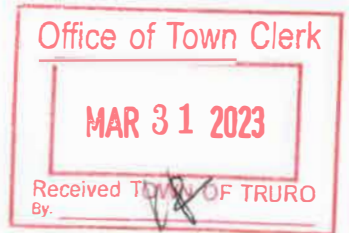
We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,



Lois G. Lerner  
Director, Exempt Organizations

Enclosure: Publication 4221-PC





# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## PROCEDURE FOR SUBMITTING APPLICATION FOR COMMERCIAL SITE PLAN REVIEW

A completed application consisting of each of the requirements of §70 will be filed as follows:

- ten (10) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Planning Department Administrator at [esturdy@truro-ma.gov](mailto:esturdy@truro-ma.gov).

Additional material, *electronic and paper*, for a hearing shall be received no later than **Tuesday 4:00 pm** of the **prior** week.

The following information and requirements must be filed with all applications for Commercial Site Plan Review consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

**1 – Official Application Form – Original and Nine (9) Copies**

Every application for action by the Board shall be made on an official form. Any communications purporting to be an application shall be treated as mere notice of intention until such time as it is made on an official application form accompanied by all requisite supporting data.

**2 – Required Plan(s) and Other Information including Checklist (Ten (10) Copies)** Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw. The application shall include each of the requirements of §70 as listed in the attached Checklist which is to be submitted as part of the official application.

**3 – Criteria Review**

Applicant will briefly state how they meet each of the review criteria in §70 using the format provided in this packet.

**4 – Certified Abutters List – Original and Nine (9) Copies**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. A copy of the “Certified Abutters List Request Form” is included in this packet.

**5 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro in the amount of **\$250.00** for Site Plan Review and **\$125.00** for Waiver of Site Plan Review. The filing fee is non-refundable.



# Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

## APPLICATION FOR COMMERCIAL SITE PLAN REVIEW

To the Town Clerk and the Planning Board of the Town of Truro, MA

Date 3/15/23

The undersigned hereby files an application with the Truro Planning Board for the following:

- Site Plan Review** pursuant to §70 of the Truro Zoning Bylaw
- Waiver of Site Plan Review** pursuant to §70.9 of the Truro Zoning Bylaw  
(Note: **Site Plan Review shall not be waived in the Seashore District**)

### 1. General Information

Description of Property and Proposed Project No change of use, selling firewood and other materials like the previous tenant.

Property Address 100 Rte 6 Truro Map(s) and Parcel(s) 55-12

Registry of Deeds title reference: Book 34899, Page 326, or Certificate of Title Number 1004 149 and Land Ct. Lot # \_\_\_\_\_ and Plan # \_\_\_\_\_

Applicant's Name Robert J. Martin II

Applicant's Legal Mailing Address 9 Pond Village Heights Rd W. Truro P.O. Box 891

Applicant's Phone(s), Fax and Email 774-722-5909 rjmacconst@gmail.com

Applicant is one of the following: (please check appropriate box)

\*Written Permission of the owner is required for submittal of this application.

- Owner
- Prospective Buyer\*
- Other\*

Owner's Name and Address 100 Route 6 LLC, Andrew Aiken

Representative's Name and Address Robert J. Martin II

Representative's Phone(s), Fax and Email \_\_\_\_\_

**2. Waiver(s) Request** – The Planning Board may, upon the request of the applicant, pursuant to §70.3.E, waive requirements of §70.3.D, provided that in the opinion of the Planning Board such a waiver would not be detrimental to the public interest, cause the Town any expense, or be inconsistent with the intent and purpose of this Bylaw. A request for a waiver by the applicant shall be accompanied by a reasonable explanation as to why the waiver is being requested. If multiple waivers are requested, the applicant shall explain why each waiver is requested.

- The applicant is **advised** to consult with the Building Commissioner, Planning Department, Conservation Department, and/or Health Department prior to submitting this application.

### Signature(s)

Robert J. Martin II  
Applicant(s)/Representative Printed Name(s)

Owner(s) Printed Name(s) or written permission

[Signature]  
Applicant(s)/Representative Signature(s)

Owner(s) Signature(s) or written permission

Your signature on this application authorizes the Members of the Planning Board and town staff to visit and enter upon the subject property.





Bobby Martin &lt;rjm2const@gmail.com&gt;

---

**Re: Application for Commercial Site Plan Review - Town of Truro**

1 message

---

**Andrew aiken** <andrewmaiken@icloud.com>

Thu, Mar 16, 2023 at 8:38 AM

To: Bobby Martin &lt;rjm2const@gmail.com&gt;

Cc: "aliaiken@gmail.com" &lt;aliaiken@gmail.com&gt;

Dear Bobby,

I am writing in support of your Application for Commercial Site Plan Review, dated March 15, 2023, to the Town of Truro Planning Board. I represent the property owner, 100 Route 6 LLC, in accordance with our current and effective Lease, dated January 13, 2023, under which you have been and continue to operate in compliance with its terms and conditions. The principal use of the property has been to process and sell firewood and related landscape materials, in accordance with the Lease, as it has been with previous tenants and as my late father, Richard Aiken, used the property over the past forty years. Please let me know if there is anything else you need and thank you for keeping the property in such a first class and presentable condition for visitors and residents passing by on Route 6.

Andrew Aiken  
Manager  
100 Route 6 LLC

On Mar 15, 2023, at 8:50 PM, Bobby Martin <rjm2const@gmail.com> wrote:

Thank you Andrew

Lisa  
<Scan0092.pdf>



**TRURO ASSESSORS OFFICE**

PO Box 2012 Truro, MA 02666

Telephone: (508) 214-0921

Fax: (508) 349-5506

**Date:** March 14, 2023

**To:** Robert J. Martin

**From:** Assessors Department

**Certified Abutters List:** 100 Route 6

**Planning Board/ Site Plan**

Attached is a combined list of abutters for the property located at 100 Route 6.

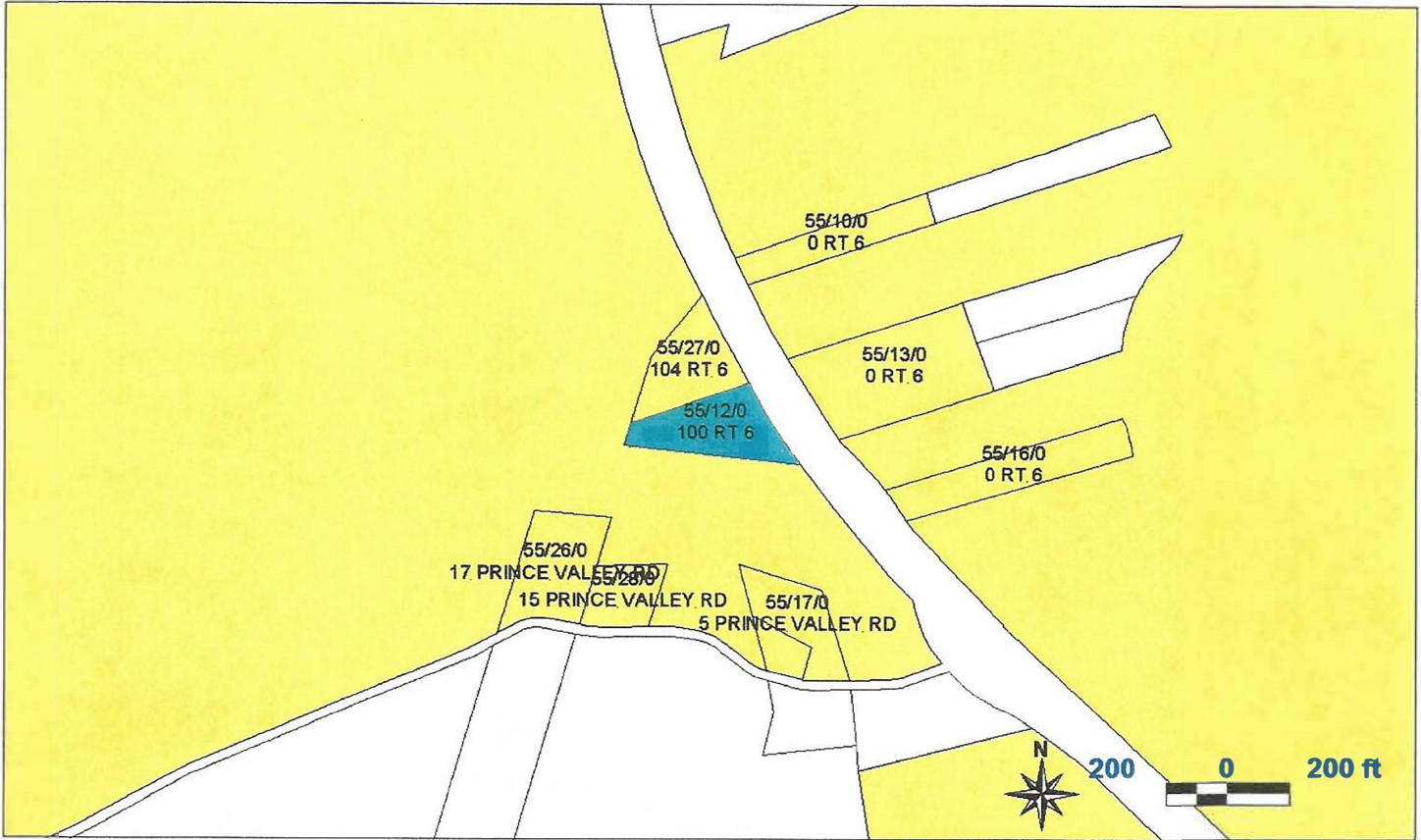
The current owner is 100 Route 6 LLC, Andrew M. Aiken, Manager.

The names and addresses of the abutters are as of March 10, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by: \_\_\_\_\_

Olga Farrell  
Assessing Clerk

Custom Abutters List



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST	ZipCd/Country
7292	40-999-0-E	USA-DEPT OF INTERIOR Cape Cod National Seashore	0 CAPE COD NATIONAL SEASHORE	99 Marconi Site Rd	Wellfleet	MA	02667
3349	55-10-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3352	55-13-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3355	55-16-0-E	U S A DEPT OF THE INTERIOR	0 RT 6	CAPE COD NATIONAL SEASHORE 99 MARCONI SITE RD	WELLFLEET	MA	02667
3356	55-17-0-R	DAVIS SAMUEL S &FREDERICK J JR	5 PRINCE VALLEY RD	83 PAUL REVERE RD	NEEDHAM	MA	02494
3357	55-18-0-R	PRINCESS VALLEY REALTY TRUST TRS: EHRENBERG BETSY L ET AL	7 PRINCE VALLEY RD	67 WARREN STREET	MEDFORD	MA	02155
3365	55-26-0-R	RICHARDSON ALBERT/JUDITH TR & BENNETT FREDERICK & JANE ET AL	17 PRINCE VALLEY RD	C/O CHRISTOPHER WHARFF 10 DEACON RD	YARMOUTH	MA	04096
3366	55-27-0-E	COMMONWEALTH OF MASS EXEC OFFICE OF TRANSPORTATION	104 RT 6	10 PARK PLAZA SUITE 3170	BOSTON	MA	02116
3367	55-28-0-E	USA Cape Cod National Seashore	15 PRINCE VALLEY RD	99 Marconi Site Rd	Wellfleet	MA	02667

*Handwritten:* 3/14/2023  
 3/14/2023 Page 1

40-999-0-E

USA-DEPT OF INTERIOR  
Cape Cod National Seashore  
99 Marconi Site Rd  
Wellfleet, MA 02667

55-10-0-E

U S A  
DEPT OF THE INTERIOR  
CAPE COD NATIONAL SEASHORE  
99 MARCONI SITE RD  
WELLFLEET, MA 02667

55-13-0-E

U S A  
DEPT OF THE INTERIOR  
CAPE COD NATIONAL SEASHORE  
99 MARCONI SITE RD  
WELLFLEET, MA 02667

55-16-0-E

U S A  
DEPT OF THE INTERIOR  
CAPE COD NATIONAL SEASHORE  
99 MARCONI SITE RD  
WELLFLEET, MA 02667

55-17-0-R

DAVIS SAMUEL S & FREDERICK J JR  
83 PAUL REVERE RD  
NEEDHAM, MA 02494

55-18-0-R

PRINCESS VALLEY REALTY TRUST  
TRS: EHRENBERG BETSY L ET AL  
67 WARREN STREET  
MEDFORD, MA 02155

55-26-0-R

RICHARDSON ALBERT/JUDITH TR &  
BENNETT FREDERICK & JANE ET AL  
C/O CHRISTOPHER WHARFF  
10 DEACON RD  
YARMOUTH, MA 04096

55-27-0-E

COMMONWEALTH OF MASS  
EXEC OFFICE OF TRANSPORTATION  
10 PARK PLAZA  
SUITE 3170  
BOSTON, MA 02116

55-28-0-E

USA  
Cape Cod National Seashore  
99 Marconi Site Rd  
Wellfleet, MA 02667

**ADDRESSING THE REVIEW CRITERIA**

**§ 70.1 PURPOSE**

The purpose of Site Plan Review for Commercial Development and for Residential Development is to protect the health, safety, convenience and general welfare of the inhabitants of the Town. It provides for a review of plans for uses and structures which may have significant impacts, both within the site and in relation to adjacent properties and streets; including the potential impact on public services and infrastructure; pedestrian and vehicular traffic; significant environmental and historic resources; abutting properties; and community character and ambiance.

**Instructions:** Please provide the Planning Board with a short explanation of how your application meets each of the review criteria of §70.3F of the Truro Zoning Bylaw. If you require extra space for your answers, please attach the additional information to your application in no more than two pages. This is to provide the Planning Board with an overview of your rationale prior to the meeting.

**§70.3F – REVIEW CRITERIA/DESIGN GUIDELINES**

The Planning Board will review applications and their supporting information based on the following:

1. The proposal is in conformity with all applicable provisions of the Zoning Bylaw because:

No change of use  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Yes it does  
The noise level will be less than ~~consistent~~ noise than the State DPW  
\_\_\_\_\_  
\_\_\_\_\_

3. The proposal provides for the protection of adjacent properties and the night sky from intrusive lighting, including parking lot and building exterior lighting. Lighting must be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro because:

2 shielded lights facing in the property  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The proposal provides for the protection of significant or important natural, historic, or scenic features because:

Does not apply

5. The building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, and soil removal and grade changes; and maximize open space retention because:

Does not apply  
No building structure on site and none proposed at this time.

6. The proposal adequately provides for refuse disposal because:

Does not apply

7. The proposed sewage disposal and water supply systems within and adjacent to the site shall be adequate to serve the proposed use because:

Does not apply

8. The proposed drainage system within the site shall be adequate to handle the runoff resulting from the development. Drainage run-off from the project shall not: damage any existing wellfield(s) or public water supply; damage adjoining property; overload, silt up or contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool because:

Does not apply

9. A soil erosion plan shall adequately protect all steep slopes within the site and control runoff to adjacent properties and streets both during and after construction because:

Does not apply  
There is no construction

10. The proposal shall provide for structural and/or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises because:

Does not apply

11. Buildings and structures within the subject site shall relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with the surrounding area because:

Does not apply

12. Electric, telephone, cable, and other such utility lines and equipment shall be placed underground because:

Does not apply

13. The project shall not place excessive demands on Town services because:

Does not apply  
Town services will not be needed

14. The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Where appropriate and allowable, access to adjoining properties shall be provided. Joint access driveways between adjoining properties shall be encouraged because:

Does not apply

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

Does not apply

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

Does not apply



**70.3 - COMMERCIAL SITE PLAN REVIEW CHECKLIST - Applicant**

**Address:** 100 Rte 6      **Applicant Name:** Robert J. Martin II      **Date:** 3/15/23

No.	Requirement	Included	Not Included	Explanation, if needed
<b><u>D. Procedures and Plan Requirements</u></b>				
1a.	An original and 9 copies of the Application for Site Plan Review			
1b.	10 copies of the required plans and other required information including this Checklist			
1c.	Completed Criteria Review			
1d.	Certified copy of the abutters list obtained from the Truro Assessors Office			
1e.	3 copies of drainage calculations stamped by a Professional Engineer			
1f.	Applicable filing fee			
1g.	Any other information that may be applicable or required by the Planning Board			
<b>Site Plans</b>				
2a.	Site Plans shall be prepared, signed and stamped by a Registered Land Surveyor and Professional Engineer	✓		
2b.	Site Plans shall be prepared at a scale of one inch equals forty feet (1"=40') or larger	✓		
3a.	General - Submitted plans shall contain the following:			
3a. 1	North Arrow/Location Map: A north arrow and a locus plan containing sufficient information to locate the subject property, such as streets bounding or providing access to the property.	✓		
3a. 2	Zoning Information: All applicable Zoning Bylaw information regarding the site's development, both existing and proposed. This information shall be placed in a table format which must list all parking; setbacks; percent of lot coverage, broken down by parking, walkways, building(s), etc.; number of dwelling units; total amount of square feet; size of signs, and any other applicable zoning information necessary for the proper review of the site plan.	Does not apply		
<b>Existing:</b>				
	All parking	Does not apply		
	All setbacks			
	Percent (%) of lot coverage broken down by parking, walkways, building(s), etc.			
	Number of dwelling units			
	Total amount of square feet			

Does not apply  
no construction

**70.3 - COMMERCIAL SITE PLAN REVIEW CHECKLIST - Applicant**

Address: 100 Pike Ln Applicant Name: Robert J. Martin II Date: \_\_\_\_\_

No.	Requirement	Included	Not Included	Explanation, if needed
	Size of signs			
	Any other applicable zoning information necessary for the proper review of the site plan		✓	
	<u>Proposed:</u>		✓	
	All parking		✓	
	All setbacks		✓	
	Percent (%) of lot coverage broken down by parking, walkways, building(s), etc.		✓	
	Number of dwelling units		✓	
	Total amount of square feet		✓	
	Size of signs		✓	
	Any other applicable zoning information necessary for the proper review of the site plan			
3a. 3	Assessor and Deed Information: The Truro Assessors Atlas Map(s) and Parcel(s) numbers and all plan and deed references.	✓		
3a. 4	Graphic Scale	✓		
3a. 5	Title Block - Including:	✓		
	Name and description of the project	✓		
	Address of the property	✓		
	Names of the record owner(s) and the applicant(s)	✓		
	Date of the preparation of the plan(s) and subsequent revision dates	✓		
3a. 6	Legend of all symbols	✓		
3b.	Existing Conditions Plan - showing the following:	✓		
3b. 1	Total area and dimensions of the lot shown on a surveyed plan conforming to the requirements of the Barnstable County Registry of Deeds.	✓		
3b. 2	Location of existing buildings (including the number of stories, overall height in feet, and gross floor area in square feet of all existing buildings), parking, drives, walks, lighting service areas, all utilities, drainage facilities, easements, and other appurtenances, including setbacks from property lines.	✓		
	Location of existing buildings		✓	
	Number of stories		✓	

## 70.3 - COMMERCIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____
No.	Requirement	Included	Not Included	Explanation, if needed
	Overall height in feet			
	Gross floor area in square feet			
	Parking			
	Drives			
	Walks			
	Lighting service areas			
	All utilities			
	Draining facilities			
	Easements			
	Other appurtenances			
	Setback from property lines			
3b. 3	Existing contours based on two foot (2') contour intervals.			
3b. 4	General location of trees having a caliper of ten (10) inches or more diameter at breast height (DBH), all resource areas as defined in M.G.L. Chapter 131, Section 40, landscaping and other significant natural features.			
3b. 5	Respective floor areas and/or square footage of existing uses of buildings and/or the property.			
3b. 6	Existing location(s) of any freestanding sign(s).			
3b. 7	National Flood Insurance Program flood hazard elevation.			
3b. 8	Massachusetts Natural Heritage Endangered Species Act jurisdiction.			
3c.	Proposed Conditions Plan - showing the following:			
3c. 1	Building Location: Identification of all building(s) to be located on the site. The number of stories, overall height in feet and gross floor area in square feet of all buildings shall be indicated.			
3c. 2	Building Elevation: A drawing(s) of the exterior of all building(s), as viewed from all sides, including dimensions, at a scale of no smaller than 1/8" = 1'-0". This drawing must be at least 8" x 11" in size.			

70.3 - COMMERCIAL SITE PLAN REVIEW CHECKLIST - Applicant

**70.3 - COMMERCIAL SITE PLAN REVIEW CHECKLIST - Applicant**

<b>Address:</b> _____		<b>Applicant Name:</b> _____		<b>Date:</b> _____
No.	Requirement	Included	Not Included	Explanation, if needed
3c. 3	Location of Parking/Walkways: Identification of the location of all parking and walkways, including curb cuts that will be used for site access from adjacent roadways or access points. Parking shall be consistent with the requirements outlined in §30.9.			
3c. 4	Easements/Legal Conditions: Identification of legal encumbrances(s), including easements, that are related to the site's physical development, and a listing of any condition(s) placed upon the site by the Zoning Board of Appeals, Planning Board, Conservation Commission, Board of Health or any other public body or agency with the authority to place conditions on the site's development.			
3c. 5	Stormwater Drainage: All storm water drainage facilities utilized by the site shall be shown on the site plan. Storm water drainage calculations, which support the design of the control facilities shown on the plan, shall be calculated using a 2, 10, and 50-year storm events.			
3c. 6	Grades: Topography and a grading plan of the site.			
3c. 7	Location of Walls: Identification of the location, height, length, and materials to be used for all retaining walls to be located on the site.			
3c. 8	Signs: Identification of the location, height and materials to be used for all signs to be located on the site. Signs will be reviewed using the Town of Truro Sign Code section of the zoning bylaw.			
3c. 9	Location of Streets/Drives: Identification of all streets and driveways including the type and dimensions of curbs and gutters. Distances to all the nearest streets and/or curb cuts shall be shown for both sides of any street which is adjacent to the site.			
3c. 10	Outdoor Storage/Display Areas: Identification of the location and type of outdoor storage and display areas on the site.			
3c. 11	Refuse Areas: Identification of the location of each outdoor refuse storage area, including the method of storage and screening. All refuse areas must be fully enclosed.			

*Do not apply*

### 70.3 - COMMERCIAL SITE PLAN REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____
No.	Requirement	Included	Not Included	Explanation, if needed
3c. 12	Lighting Facilities: Identification of all illumination, including numbers and locations, indicating the direction and the degree of illumination offered by the lighting facilities and including specifications of the light fixture(s) to be used. (Also see General Bylaws Ch. IV §6.)			
3c. 13	Location of Wetlands and Other Resource Areas: All resource areas as defined in M.G.L. Chapter 131, Section 40. (If applicable, the applicant shall file a Notice of Intent with the Truro Conservation Commission concurrently with the application to the Planning Board for Site Plan Review.)			
3c. 14	Location and Description of Utilities. Identification of all utilities, including sewer line locations and profiles and storm drainage systems.			
3c. 15	Parking and Driveway Cross Section: a cross section identifying the proposed construction of driveways and parking areas on the site.			
3c. 16	Limit of work area (area to be disturbed during construction, including parking and storage of vehicles and equipment) and work staging area(s).			
3d.	Proposed landscape schedule for, and identification of, the location of all perimeter and interior landscaping -- showing the following:		<i>Not applicable</i>	
	Proposed paving materials for walkways			
	Fences			
	Stonewalls			
	All planting materials to be placed on the site			
	All existing trees over 10 inches diameter at breast height (DBH) to be saved or removed shall be shown on the site plan			
3e.	Building Plans -- at a scale of no less than 1/8" = 1'-0" showing the following:			
3e. 1	Elevations showing exterior materials and features including but not limited to doors, windows, trim, roof, lighting and including the height of the building(s).			
3e. 2	Floor plans with dimensions.			
3f.	Project Estimate:			
	Estimated date of initiation			
	Estimated time required to complete the proposed project and any and all phases thereof			
	Written cost estimate with a breakdown of the building(s) and all site improvements			

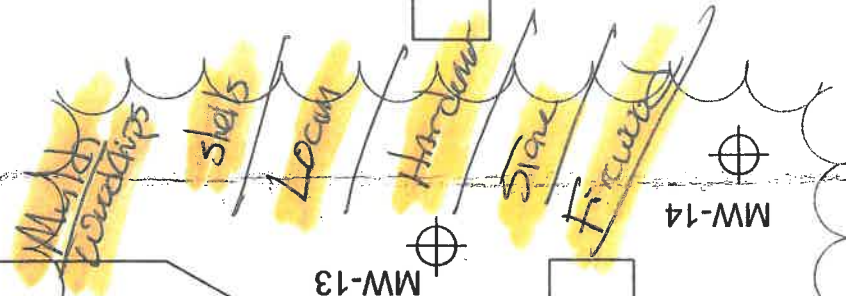
PROPOSED REMEDIATION  
EQUIPMENT LOCATION



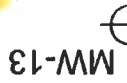
MW-5



MW-2



MW-14



MW-13



MW-1

GAS STATION

Mulch  
Mulch

FORMER UST LOCATION



MW-3



MW-4

Route 6

Route 6

