



Truro Planning Board Agenda

Remote Meeting

Wednesday, May 6, 2020 – 6:00 pm

www.truro-ma.gov

Open Meeting

This will be a remote 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. Click on the green "Watch" button in the upper right of the page. To provide comment during the meeting please call in toll free at 1-877-568-4106 and enter the following access code when prompted: 505-772-437. Please note that there may be a slight delay (15-30 seconds) between the meeting and the live stream and television broadcast. If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in to help us manage multiple callers effectively. Citizens may also provide public comment for this meeting by emailing the Town Planner at jribeiro@truro-ma.gov with your comments.

Please note the hearings on this agenda will be procedural only to continue the cases to the next meeting. No substantive discussion of the cases will occur, and no testimony will be taken.

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.

Procedural only - motion to continue to meeting of May 20, 2020

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.

Procedural only - motion to continue to meeting of May 20, 2020

Board Action/Review

Discussion of how future meetings, public hearings, and site visits can be conducted.

Vote to authorize the Chair to schedule or reschedule public hearings in accordance with Chapter 53 of the Acts of 2020, *An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19.*

Discussion of the Annual Town Meeting, including potential discussion of the proposed amendments to the Zoning By-laws.

Review and approve updates to the Application for Special Permit and the following Subdivision of Land Regulation Forms: Form A (ANR), Form B (Preliminary Plan), Form C (Definitive Plan), Form D (Covenant), Form E (Modification/Amendment/Rescission of Definitive Subdivision), and Form F (Certification of Completion and Release of Municipal Interest in Subdivision Performance Security).

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.

Discussion to set dates for future Work Sessions.

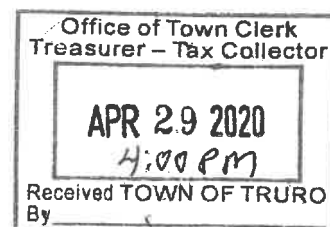
Approval of Minutes

November 6, 2019
December 4, 2019
December 18, 2019
January 8, 2020
January 22, 2020
February 5, 2020
February 19, 2020
February 26, 2020 Work Session
March 4, 2020
March 11, 2020
March 18, 2020 (conducted via telephone)
April 1, 2020 (conducted via telephone)

Next Meeting

Wednesday, May 20, 2020, at 6:00 p.m. *Please note time change.*

Adjourn





Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR SPECIAL PERMIT

The following information and requirements must be filed with all Applications for Special Permit consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board: **Note: Submittals must be collated into 12 packets.**

☐ **1 – Application Form – Original and Eleven (11) Copies**

Every application for action by the Board shall be made on an official form. These forms shall be furnished by the Planning Board Secretary and/or Building Department upon request. Any communications purporting to be an application shall be treated as mere notice of intention to such relief 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 (Twelve (12) Copies) – These documents must be folded to fit in a letter size folder**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Zoning Bylaw for the type of Special Permit requested (including but not limited to §40.2 Affordable Accessory Dwelling Unit; §40.4 Wind Generators, and; §40.5 Communication Structures).

☐ **3 – Filing Fee**

All applications shall be accompanied by a check payable to the Town of Truro in the amount of **\$50.00**. The filing fee is non-refundable.

☐ **4 – Certified Abutters List (Original and Eleven (11) Copies)**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed along with the items outline in Sections 1 – 3 above. A copy of the “Certified Abutters List Request Form” is included in this packet.

With this information before it, the Planning Board will then proceed to post notice of a public hearing in accordance with Section 11 of Chapter 40A of the General Laws of Massachusetts.

Either you or your agent/representative shall appear before the Board at the scheduled hearing. If you need to re-schedule, you must submit a request in writing for a continuance. To do so, contact the Planning Board secretary by mail or telephone.

Additional information may be submitted prior to the scheduled public hearing, provided it is received no less than one week prior to the hearing. Such additional information – 12 copies of each – shall first be submitted to the Town Clerk to be date stamped. Information received less than one week before the scheduled hearing may result in a continuance of the hearing.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

APPLICATION FOR SPECIAL PERMIT

To the Town Clerk of the Town of Truro, MA

Date _____

The undersigned hereby files with specific grounds for this application:

Applicant seeks approval and authorization of uses under Section _____ of the Truro Zoning Bylaw concerning (*describe*) _____

Property Address _____ Map(s) and Parcel(s) _____

Registry of Deeds title reference: Book _____, Page _____, or Certificate of Title Number _____ and Land Ct. Lot # _____ and Plan # _____

Applicant's Name _____

Applicant's Legal Mailing Address _____

Applicant's Phone(s), Fax and Email _____

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

☐

Owner

☐

Prospective Buyer*

☐

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

Owner's Name _____

Owner's Address _____

Representative's Name and Address _____

Representative's Phone(s), Fax and Email _____

Applicant(s)/Representative Signature

Owner(s) Signature or written permission

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

Applications must be typed or printed clearly with black or blue ink



TOWN OF TRURO

Assessors Office Certified Abutters List Request Form

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP _____ PARCEL _____ EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:

(please check all applicable)

FEE: \$15.00 per checked item

(Fee must accompany the application unless other arrangements are made)

___ Board of Health⁵

___ Planning Board (PB)

___ Zoning Board of Appeals (ZBA)

___ Cape Cod Commission

___ Special Permit¹

___ Special Permit¹

___ Conservation Commission⁴

___ Site Plan²

___ Variance¹

___ Licensing

___ Preliminary Subdivision³

Type: _____

___ Definitive Subdivision³

___ Accessory Dwelling Unit (ADU)²

___ Other _____

(Please Specify)

(Fee: Inquire with Assessors)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: _____ Date completed: _____

List completed by: _____ Date paid: _____ Cash/Check _____

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

²Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

TOWN OF TRURO



PLANNING BOARD

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

Date: _____

To The Planning Board of the Town of Truro Massachusetts,

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

_____ and dated _____, requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: _____ Map(s) and Parcel(s): _____

Number of Lots Created: _____ Total Land Area: _____

The owner's title to said land is derived under deed from _____,

dated _____, and recorded in the Barnstable Registry of Deeds Book and Page: _____

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

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

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

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

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

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

(Printed Name of Owner)

(Signature)

(Printed Name of Owner)

(Signature)

(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



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR APPROVAL NOT REQUIRED (ANR) PLAN ENDORSEMENT

A completed application consisting of each of the requirements of §2.2 of the Subdivision of Land Regulations will be filed as follows:

- **twelve (12) packets to be filed with the Town Clerk; AND**
- **a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.**

The following information and requirements must be filed with all applications for an Approval not Required (ANR) Plan Endorsement consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

☐ **1 – Official Application Form – Original and Eleven (12) 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 (Twelve (12) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.2 as listed in the attached Checklist which is to be submitted as part of the official application.

☐ **3 – 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 **\$275.00**. The filing fee is non-refundable.

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit twelve (12) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM A

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

To the Planning Board of the Town of Truro, MA

Date _____

The undersigned owners of all the land described herein submitted the accompanying plan entitled: _____ and dated _____, requests a determination and endorsement by said Board that approval by it under the Subdivision Control Law is not required.

Property Location: _____ Map(s) and Parcel(s): _____

Number of Lots Created: _____ Total Land Area: _____

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

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

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

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

_____ (Printed Name of Owner)	_____ (Signature)
_____ (Printed Name of Owner)	_____ (Signature)
_____ (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; and a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov

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

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

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

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

TOWN OF TRURO



PLANNING BOARD

Form B APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

Date _____

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____ and described as follows:

Located: _____

Assessor's Map(s) and Parcel(s): _____

Number of Lots Proposed: _____ Total acreage of Tract: _____

Said applicant hereby submits said plan as a *Preliminary* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from _____
_____ dated _____, and recorded in the Barnstable
Registry of Deeds Book and Page:

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

Applicant's Signature _____ Applicant's Telephone Number _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner _____

Owner's Legal Mailing Address _____

Surveyor Name/Address _____
(Or Person responsible for preparation of the plan)

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



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR PRELIMINARY SUBDIVISION PLANS

A Preliminary Plan may be submitted for any proposed residential subdivision and shall be submitted for any nonresidential subdivision. These Preliminary Plans shall be filed with both the Planning Board and the Board of Health. The submission of such a Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of abutting property to identify and discuss any problem areas in the proposed subdivision. Review of, and comments on, a Preliminary Plan are strictly advisory and do not commit the Board to approve a Definitive Plan.

A completed application consisting of each of the requirements of §2.4 of the Subdivision of Land Regulations will be filed as follows:

- **twelve (12) packets to be filed with the Town Clerk;**
- **a complete copy, including all plans and attachments, submitted to the Board of Health; AND**
- **a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.**

The following information and requirements must be filed with all applications for Preliminary Subdivision Plans consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

☐ **1 – Official Application Form – Original and Eleven (11) 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 (Twelve (12) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.4 as listed in the attached Checklist which is to be submitted as part of the official application.

☐ **3 – Certified Abutters List – Original and Eleven (11) 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.

☐ **4 – 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 **\$275.00**. The filing fee is non-refundable.

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit twelve (12) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM B

APPLICATION FOR APPROVAL OF A PRELIMINARY PLAN

To the Planning Board of the Town of Truro, MA

Date _____

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____ and described as follows:

Located: _____ Assessor's Map(s) and Parcel(s): _____

Number of Lots Proposed: _____ Total Acreage of Tract: _____

Said applicant hereby submits said plan as a *Preliminary* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from _____, dated _____, and recorded in the Barnstable Registry of Deeds Book and Page _____ or Land Court Certificate of Title No. _____ registered in Barnstable County.

Applicant:

(Printed Name of Applicant)

(Signature of Applicant)

Applicant's Telephone Number(s) _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner:

(Printed Name)

(Signature)

Owner's Legal Mailing Address _____

Surveyor Name/Address _____
(or person responsible for preparation of the plan)

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

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TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP _____ PARCEL _____ EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:

(please check all applicable)

FEE: \$15.00 per checked item

(Fee must accompany the application unless other arrangements are made)

<input type="checkbox"/> Board of Health ⁵	<input type="checkbox"/> Planning Board (PB)	<input type="checkbox"/> Zoning Board of Appeals (ZBA)
<input type="checkbox"/> Cape Cod Commission	<input type="checkbox"/> Special Permit ¹	<input type="checkbox"/> Special Permit ¹
<input type="checkbox"/> Conservation Commission ⁴	<input type="checkbox"/> Site Plan ²	<input type="checkbox"/> Variance ¹
<input type="checkbox"/> Licensing	<input type="checkbox"/> Preliminary Subdivision ³	
Type: _____	<input type="checkbox"/> Definitive Subdivision ³	
	<input type="checkbox"/> Accessory Dwelling Unit (ADU) ²	
<input type="checkbox"/> Other _____		

(Please Specify)

(Fee: Inquire with Assessors)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: _____ Date completed: _____

List completed by: _____ Date paid: _____ Cash/Check _____

¹ Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

² Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³ Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. Note: For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

⁴ All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. Note: Responsibility of applicant to notify abutters and produce evidence as required.

⁵ Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. Note: Responsibility of applicant to notify abutters and produce evidence as required.

2.4 - PRELIMINARY SUBDIVISION PLAN REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
2.4.2 Submission Requirements for Preliminary Plans					
A submission of a Preliminary Plan shall include the following supporting documentation:					
a.	A properly executed application for Subdivision Preliminary Plan Review. (Form B)				
b.	A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.				
c.	Twelve (12) copies of the plan showing:				
c.1	the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan";				
c.2	the names of the record owner and the applicant and the name of the designer, engineer or surveyor;				
c.3	the names of all abutters, as determined from the most recent local tax list;				
c.4	the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner;				
c.5	the proposed system of drainage, including, adjacent existing natural waterways, in a general manner;				
c.6	the approximate boundary lines of proposed lots, with approximate areas and dimensions;				
c.7	the names, approximate location and widths of adjacent streets; and				
c.8	the topography of the land in a general manner.				



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING SUBDIVISION PLANS FOR PRE-SUBMISSION REVIEW

An application consisting of the recommendations of §2.3 of the Subdivision of Land Regulations will be filed as follows:

- twelve (12) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.

Prior to undertaking extensive professional design efforts for subdivision plans, it may prove useful for the applicant to review the proposed development of a parcel of land with the Board in an informal manner in order that general approaches, possible use of cluster development, and potential problems can be freely explored. Pencil sketches and other illustrations, which need not be professionally prepared, will assist the informal discussion and might show some, but not all, of the information to be shown in the Preliminary Plan. In some cases, pre-submission review may suggest the inadvisability of submitting a Preliminary Plan; however, the pre-submission review is strictly a voluntary procedure left to the discretion of the applicant and has no legal status whatsoever.

The Subdivision Pre-submission Review plans must be filed with the Planning Board, through the Town Planner, consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

☐ **1 – Required Plan(s) and Other Information (Twelve (12) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include the recommendations of §2.3 (above) which is to be submitted as part of the official application.

TOWN OF TRURO



PLANNING BOARD

Form C APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

Date _____

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____ and described as follows:

Located: _____

Assessor's Map(s) and Parcel(s): _____

Number of Lots Proposed: _____ Total acreage of Tract: _____

Said applicant hereby submits said plan as a *Definitive* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from _____

_____ dated _____, and recorded in the Barnstable

Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. _____ registered in Barnstable County, and said land is free of encumbrances except for the following:

Said plan has/has not (*circle appropriate*) evolved from a preliminary plan submitted to the Board on _____ and approved/approved with modifications/disapproved (*circle appropriate*) on _____

Applicant's Signature _____ Applicant's Telephone Number _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner _____

Owner's Legal Mailing Address _____

Surveyor Name/Address _____
(Or Person responsible for preparation of the plan)

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



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR DEFINITIVE SUBDIVISION PLANS

A completed application consisting of each of the requirements of §2.5 of the Subdivision of Land Regulations will be filed as follows:

- twelve (12) packets to be filed with the Town Clerk;
- a complete copy, including all plans and attachments, submitted to the Board of Health; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.

The following information and requirements must be filed with all applications for Definitive Subdivision Plans consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

☐ **1 – Official Application Form – Original and Eleven (11) 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 (Twelve (12) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.5 as listed in the attached Checklist which is to be submitted as part of the official application.

☐ **3 – Certified Abutters List – Original and Eleven (11) Copies**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. The Applicant shall give notice to the abutters by mailing a copy of the Public Hearing Notice as provided by the Town Planner. Notice shall be via certified mail and return receipt to the list of abutters as received from the Assessing Department. Said notice shall be mailed out no less than ten (10) days prior to the scheduled public hearing. A copy of the certified mail receipts and the original returned “green cards” must be filed with the Planning Board prior to the public hearing. A copy of the “Certified Abutters List Request Form” is included in this packet.

☐ **4 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro. Fee is \$125.00 per lot, minimum \$275.00. The filing fee is non-refundable.

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit twelve (12) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM C

APPLICATION FOR APPROVAL OF A DEFINITIVE PLAN

To the Planning Board of the Town of Truro, MA

Date _____

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____ and described as follows:

Located: _____ Assessor's Map(s) and Parcel(s): _____

Number of Lots Proposed: _____ Total Acreage of Tract: _____

Said applicant hereby submits said plan as a *Definitive* subdivision plan in accordance with the Rules and Regulations of the Truro Planning Board and makes application to the Board for approval of said plan.

The undersigned's title to said land is derived under deed from _____, dated _____, and recorded in the Barnstable Registry of Deeds Book and Page _____ or Land Court Certificate of Title No. _____ registered in Barnstable County, and said land is free of encumbrances except for the following:

Said plan has/has not (*circle appropriate*) evolved from a preliminary plan submitted to the Board on _____ and approved/approved with modifications/disapproved (*circle appropriate*) on _____.

Applicant:

(Printed Name of Applicant)

(Signature of Applicant)

Applicant's Telephone Number(s) _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner:

(Printed Name)

(Signature)

Owner's Legal Mailing Address _____

Surveyor Name/Address _____
(or person responsible for preparation of the plan)

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

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TOWN OF TRURO

Assessors Office

Certified Abutters List

Request Form

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP _____ PARCEL _____ EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:

(please check all applicable)

FEE: \$15.00 per checked item

(Fee must accompany the application unless other arrangements are made)

<input type="checkbox"/> Board of Health ⁵	<input type="checkbox"/> Planning Board (PB)	<input type="checkbox"/> Zoning Board of Appeals (ZBA)
<input type="checkbox"/> Cape Cod Commission	<input type="checkbox"/> Special Permit ¹	<input type="checkbox"/> Special Permit ¹
<input type="checkbox"/> Conservation Commission ⁴	<input type="checkbox"/> Site Plan ²	<input type="checkbox"/> Variance ¹
<input type="checkbox"/> Licensing	<input type="checkbox"/> Preliminary Subdivision ³	
Type: _____	<input type="checkbox"/> Definitive Subdivision ³	
	<input type="checkbox"/> Accessory Dwelling Unit (ADU) ²	
<input type="checkbox"/> Other _____		

(Please Specify)

(Fee: Inquire with Assessors)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: _____ Date completed: _____

List completed by: _____ Date paid: _____ Cash/Check _____

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

²Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. Note: For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. Note: Responsibility of applicant to notify abutters and produce evidence as required.

⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. Note: Responsibility of applicant to notify abutters and produce evidence as required.

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
2.5.2 Submission Requirements for Definitive Plans					
a.	General - The following documentation shall be submitted along with a Definitive Plan; to the Planning Board:				
a.1	A properly executed application for Definitive Subdivision Plan Review. (Form C).				
a.2	A list of the names and addresses of all abutters, as defined in Section 1.6 and as certified by the Deputy Assessor.				
a.3	Twelve (12) paper prints of the plan.				
a.4	Twelve (12) copies of all plans, profiles and cross-sections, showing proposed design and location of streets, drainage and utilities.				
a.5	Two (2) copies of the subdivision plan prepared at a scale of 1 inch = 100' feet. The plan shall include the lot numbers and lot areas in acres and square footage. Distances and bearing need not be shown.				
a.6	Two (2) copies of drainage calculations based on a fifty (50) year storm, stamped and signed by an engineer, along with a topographic plan delineating contributing areas.				
a.7	A list of requested waivers from these Rules and Regulations consistent with §1.5, if applicable.				
a.8	A computer disk containing a file of the subdivision in either .DWG or .DXF file format.				
a.9	A traffic impact and access study shall be required, for all developments that propose to create ten (10) or more buildable lots, at the developments access to existing roadway networks. The study shall be based on standards traffic engineering guidelines developed by the Massachusetts Environmental Protection Act (MEPA). The Planning Board may also require a traffic study if in their determination one is warranted because of public safety concerns.				
a.10	Three proposed road name(s) for each new street. The Board reserves the right to reject proposed street names.				

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
a.11	A written statement stating the time within which the applicant/subdivider agrees to complete the proposed ways and to install all utilities required by the Board. The Board may decline to approve any plan unless the applicant agrees to complete the way shown thereon and install the utilities aforesaid within an agreed upon period after the date of endorsement. In the event the work is not completed within the time set forth, or as extended, the Board may rescind its approval and require a new public hearing.				
b.	Contents of Plan - A Definitive Plan shall be prepared by a land surveyor, shall be clearly and legibly drawn in permanent ink upon a reproducible film, and shall comply with the recording requirements of the Registry of Deeds and/or Land Court, whichever is applicable. Final plans and profiles submitted for approval shall be the following sizes: 24 inches by 36 inches maximum, 11 inches by 17 inches minimum, with a ¼-inch border. If multiple sheets are used, they shall be accompanied by an index showing the entire subdivision. Cross-sections shall be provided for all streets.				
	The following information shall be shown:				
b.1	The subdivision name, date of the plan, scale, north arrow, assessor's map and parcel numbers of all land shown on the plan, legend and the title "Definitive Plan".				
b.2	A locus plan containing sufficient information to locate the proposed subdivision, such as streets bounding or providing access to the property.				
b.3	The boundaries, area, frontage, and dimensions of each lot and of any contiguous lot(s) in common ownership.				
b.4	The name(s) and address of the owner(s) of record and of the applicant, and the name, address, seal and signature of the land surveyor who prepared the plan.				
b.5	The existing and proposed methods of providing road drainage and utilities.				
b.6	The following information shall be noted on the plan:				
	• Gross area of the subdivision in square feet and acres.				
	• Gross area of roads and cul-de-sacs, in square feet and acres.				

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
	<ul style="list-style-type: none"> Area(s) subject to the Wetlands Protection Act and approval and/or restriction(s) of the Conservation Commission or the Board. Gross area of wetlands, in square feet and acres, for the entire subdivision. Net area of wetlands within each lot or parcel, in square feet and percentage. Net area of contiguous upland of each lot or parcel, in square feet and percentage. 				
b.7	Easements, covenants, rights-of-way, and/or restrictions applicable to the area shown on the plan.				
b.8	The existing and proposed lines of streets, ways, lots, easements and any public or common areas within the subdivision.				
b.9	The existing and proposed lines of any easements access or other purposes. The location, ownership and expiration date(s) of any conservation restrictions or easements.				
b.10	The topography of the land, using two (2) foot contours, derived from an actual survey or photogrammetry based on USGS Datum. This may be shown on a separate plan.				
b.11	Zoning classification (including overlay districts) and the location of any zoning district boundaries that lie within the subdivision boundaries.				
b.12	The location and setbacks of all existing buildings and other structures on the land to be subdivided.				
b.13	The location of any wetlands on the land to be subdivided or within one hundred (100) feet of its boundaries.				
b.14	Base flood elevation data, as shown on the Flood Insurance Rate Map, as most recently revised, published by the U.S. Department of Housing and Urban Development. The Base Flood Elevation date shall be provided for all proposals where any portion of the subject property lies within the 100-year flood plain.				
b.15	Sufficient data to determine the location, direction and length of every way, lot lines and boundary lines including lengths and radii of all curves, to establish and reproduce these lines on the ground, and to comply with the requirements of the Registry of Deeds and/or Land Court.				

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
b.16	For all ways involved in access for the proposed subdivision, whether within, abutting or without the subdivision, the grade and width of road layout, the location of the roadway within the layout, sight distances at intersections, and the physical condition of the roadway including actual width, surface type, depth of surface materials and condition of the road surface.				
b.17	A notation on the plan indicating that permanent bounds shall be set at all points of curvature and changes in direction of street side lines and at all lot corners, as appropriate.				
b.18	A notation on the plan indicating any waiver to these Rules and Regulations being requested.				
b.19	Suitable space to record the action of the Board and the signatures of the Board members.				
b.20	Suitable space for noting the following dates shall be provided:				
	• Date of Preliminary Application				
	• Date of Preliminary Approval				
	• Date of Definitive Application				
	• Date of Definitive Approval				
	• Date of Definitive Endorsement				
b.21	All plans shall have the following notation lettered adjacent to the record of Board's approval as a condition of approval: "No lots may be conveyed and no building permits shall be issued by the Town of Truro until all applicable requirements of the <i>Rules and Regulations Governing the Subdivision of Land</i> have been met."				
b.22	Two benchmarks taken from U.S.G.S. datum shall be established within the subdivision. Selection of the benchmark location shall be a point that will not be disturbed during construction operations.				
b.23	Names of all direct abutters as they appear in the most recent tax list and approximate location of intersecting boundary lines of the abutting land.				
b.24	All information required on a preliminary plan.				

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
b.25	All deed references and plan references of the subdivision area and abutting properties.				
b.26	A place on the plan shall be reserved for the noting of the approval and/or restrictions of the Board of Health.				
b.27	Lot numbers to be noted on the plan.				
b.28	Legend.				
b.29	Notes indicating that all "Utilities shall be underground".				
b.30	All trees with an outside bark diameter of ten (10) inches or greater measured four and one-half (4½) feet above existing grade on the uphill side of the tree and all specimen trees (including but not limited to holly trees, cedar trees, etc.), shall be shown on the plan, and the species of the tree shall be identified. This may be shown on a separate plan.				
b.31	Location of ancient ways, historic walls, foundations, or other similar structures.				
c.	Content of Plan and Profiles, and Cross-sections - The Construction Plan and Profile of proposed street(s), prepared by an engineer and with all elevations referred to the U.S.G.S. datum, shall include:				
c.1	Horizontal scale of one (1) inch to forty (40) feet.				
c.2	Vertical scale of one (1) inch to four (4) feet.				
c.3	Existing centerline elevations every fifty (50) feet.				
c.4	Existing right side line.				
c.5	Existing left side line.				
c.6	Proposed centerline grades and elevations, with elevations at every fifty (50) foot station, except that in vertical curves elevations shall be shown at twenty-five (25) foot stations and at PVC and PVT (point of vertical curve and point of vertical tangent).				
c.7	Proposed right and left side lines.				
c.8	Gradient of traveled surface.				
c.9	Spot elevations at centerline of each intersecting street or driveway.				
c.10	All existing intersecting walks and driveways.				

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
c.11	The limits of clearing to accommodate the road layout, utilities and shoulders.				
c.12	Size and location of existing and proposed water mains and their appurtenances, if any, and surface drains and their appurtenances.				
c.13	Profiles shall show vertical locations of water lines, drainage lines and other utilities. Sizes of all pipes shall be shown as well as inverts of all pipes at each manhole or catch basin, together with invert elevation and rim elevation of each manhole or catch basin.				
c.14	Cross sections shall show cuts, fill, subgrade, finished surface, shoulders, curbs or berms, and slopes.				
c.15	A detailed landscape plan, which may be included on the plan and profile or as a separate plan, showing:				
	a. Location, size and species of proposed streets trees, if any and other plantings associated with all areas to be disturb.				
	b. Existing trees, as described in §2.5.2.b.30, which are proposed to be removed.				
	c. Method of final slope stabilization.				
c.16	An erosion control plan, which may be included on the plan and profile or as a separate plan or in conjunction with the landscape plan described in item #15, shall include the following:				
	a. Topographical contours at two-foot intervals.				
	b. Drainage patterns and watershed boundaries, if any.				
	c. Existing vegetation.				
	d. Proposed limit of clearing.				
	e. The location, identification and narrative description with detailed drawings of all temporary and permanent erosion and sediment control Best management Practices.				
	f. Temporary driveway apron to serve during all phases of site preparation and construction that shall consist of ¾" crushed stone 3" thick or bituminous binder 2-1/2" thick.				
	g. Narrative description of the construction schedule and the concurrent sequencing and timing of erosion control measures as shown on the plan.				

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
2.5.3 Staking of Proposed Subdivision					
	In order to facilitate on-site review by the various reviewing boards, the applicant shall, at the time of filing of a Definitive Plan, stake and brush cut to a minimum of three (3) feet wide the centerline of all proposed ways in the subdivision and shall stake all points where lot lines intersect rights-of-way.				



**TOWN OF TRURO PLANNING BOARD
FORM D
COVENANT**

The undersigned _____ of Barnstable County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning Board, a definitive plan of a subdivision, entitled _____ dated _____ made by _____ for property located at _____ and showing _____ proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executor, administrators, heirs and assigns of the Covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgage premises or part thereof may sell any such lot, subject only to that portion of this covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.

The undersigned _____ wife, husband, of the Covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

Witness our hands and seals this _____ day of _____, _____

Signature of Owner

Signature of Owner

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

NOTARY PUBLIC

The following are further agreements and/or conditions of approval:

Planning Board Signatures:

Date: _____

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his free act and deed before me.

NOTARY PUBLIC



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING SUBDIVISION COVENANT

An application consisting of the recommendations of §2.5.4.c.3 of the Subdivision of Land Regulations will be filed as follows:

- twelve (12) packets to be filed with the Town Clerk; AND
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.

By a covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgage deed; provided, that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises or part thereof may sell any such lot, subject to that portion of the covenant which provides that no lot shall be built upon until such ways and services have been provided to serve each lot; and provided further, that nothing herein shall be deemed to prohibit a conveyance by a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or of all lots not previously released by the Board. A deed of any part of the subdivision in violation hereof shall be voidable by the grantee prior to the release of the covenant but not later than three years from the date of such deed. (Form D).

The Subdivision Covenant must be filed with the Planning Board, through the Town Planner, consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

☐ **1 – Official Application Form – Original and Eleven (12) 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 (Twelve (12) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations §2.5.4.c.3 (above) and shall be submitted as part of the official application.

☐ **3 – 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 **\$100.00**. The filing fee is non-refundable.

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit twelve (12) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM D **COVENANT**

The undersigned _____ of Barnstable County, Massachusetts, hereinafter called the "Covenantor", having submitted to the Truro Planning Board a definitive plan of a subdivision entitled _____ dated _____ made by _____ for property located at _____ and showing _____ proposed lots, does hereby covenant and agree with said Planning Board and the successors in office of said Board, pursuant to MGL c.41, §81U, as amended that:

1. The Covenantor is the owner of record of the premises shown on said plan;
2. This covenant shall run with the land and be binding upon the executor, administrators, heirs and assigns of the Covenantor, and their successors in title to the premises shown on said plan;
3. The construction of ways and the installation of municipal services shall be provided to serve any lot in accordance with the Rules and Regulations of said Planning Board before such lot may be built upon or conveyed, other than by mortgage deed; provided that a mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of the mortgage premises or part thereof may sell any such lot, subject only to that portion of this covenant which provided that no lot so sold shall be built upon until such ways and services have been provided to serve such lot;
4. Nothing herein shall be deemed to prohibit a conveyance subject to this covenant by a single deed of the entire parcel of land shown on said subdivision plan or of all lots not previously released by the Planning Board without first providing such ways and services;
5. This covenant shall take effect upon approval of said plan by the Planning Board.
6. Reference to this covenant shall be entered upon said plan and this covenant shall be recorded at the Registry of Deeds or the Land Court when said plan is recorded. A copy of the recorded covenant shall be returned to the Planning Board.

The undersigned _____ wife, husband, of the Covenantor hereby agree that such interest as I, we, may have in said premises shall be subject to the provisions of this covenant and insofar as is necessary release all rights of tenancy by the courtesy, dower, homestead and other interest therein.

Witness our hands and seals this _____ day of _____, _____.

(Signature of Owner)

(Signature of Owner)

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his/her free act and deed before me.

NOTARY PUBLIC

The following are further agreements and/or conditions of approval:

Planning Board Signatures:

Date: _____

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence and acknowledged the foregoing instrument to be his/her free act and deed before me.

NOTARY PUBLIC

TOWN OF TRURO



PLANNING BOARD

FORM E

**APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE
SUBDIVISION**

Date _____

To the Planning Board of the Town of Truro, MA

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____ by _____ dated _____ and described as follows:

Located: _____

Assessor's Map(s) and Parcel(s): _____

Number of Lots Proposed: _____

Total acreage of Tract: _____

Hereby submits said plan for *(circle one)* **MODIFICATION** **AMENDMENT** **RESCISSION** in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from _____ dated _____, and recorded in the Barnstable

Registry of Deeds Book and Page:

or by Land Court Certificate of Title No. _____ registered in Barnstable County, and said land is free of encumbrances except for the following:

The undersigned hereby applies for approval of said **MODIFICATION, AMENDMENT OR RESCISSION** plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant's Signature _____ Telephone Number _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner _____

Owner's Legal Mailing Address _____

Surveyors Name/Address _____
(Or Person Responsible for preparation of plan)

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



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION

A completed application consisting of each of the requirements of §2.5.5 of the Subdivision of Land Regulations will be filed as follows:

- twelve (12) packets to be filed with the Town Clerk;
- a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.

The following information and requirements must be filed with all applications for Modification, Amendment or Rescission of Definitive Subdivisions consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

☐ **1 – Official Application Form – Original and Eleven (11) 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 (Twelve (12) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.5 as listed in the attached Checklist which is to be submitted as part of the official application.

☐ **3 – Certified Abutters List – Original and Eleven (11) Copies**

A Certified Abutters List shall be obtained by the Applicant from the Truro Assessors Office and filed as part of the complete application. The Applicant shall give notice to the abutters by mailing a copy of the Public Hearing Notice as provided by the Town Planner. Notice shall be via certified mail and return receipt to the list of abutters as received from the Assessing Department. Said notice shall be mailed out no less than ten (10) days prior to the scheduled public hearing. A copy of the certified mail receipts and the original returned “green cards” must be filed with the Planning Board prior to the public hearing. A copy of the “Certified Abutters List Request Form” is included in this packet.

☐ **4 – Filing Fee**

All applications shall be filed with the Town Clerk and shall be accompanied by a check payable to the Town of Truro. Fee is \$125.00 per lot, minimum \$275.00. The filing fee is non-refundable.

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit twelve (12) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM E

APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION

To the Planning Board of the Town of Truro, MA

Date _____

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____ and described as follows:

Located: _____ Assessor's Map(s) and Parcel(s): _____

Number of Lots Proposed: _____ Total Acreage of Tract: _____

Hereby submits said plan for (*circle one*) MODIFICATION AMENDMENT RESCISSION in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from _____, dated _____, and recorded in the Barnstable Registry of Deeds Book and Page _____ or Land Court Certificate of Title No. _____ registered in Barnstable County, and said land is free of encumbrances except for the following:

The undersigned hereby applies for approval of said MODIFICATION, AMENDMENT OR RESCISSION plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant:

(Printed Name of Applicant)

(Signature of Applicant)

Applicant's Telephone Number(s) _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner:

(Printed Name)

(Signature)

Owner's Legal Mailing Address _____

Surveyor Name/Address _____
(or person responsible for preparation of the plan)

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

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TOWN OF TRURO

Assessors Office Certified Abutters List Request Form

DATE: _____

NAME OF APPLICANT: _____

NAME OF AGENT (if any): _____

MAILING ADDRESS: _____

CONTACT: HOME/CELL _____ EMAIL _____

PROPERTY LOCATION: _____
(street address)

PROPERTY IDENTIFICATION NUMBER: MAP _____ PARCEL _____ EXT. _____
(if condominium)

ABUTTERS LIST NEEDED FOR:

(please check all applicable)

FEE: \$15.00 per checked item

(Fee must accompany the application unless other arrangements are made)

<input type="checkbox"/> Board of Health ⁵	<input type="checkbox"/> Planning Board (PB)	<input type="checkbox"/> Zoning Board of Appeals (ZBA)
<input type="checkbox"/> Cape Cod Commission	<input type="checkbox"/> Special Permit ¹	<input type="checkbox"/> Special Permit ¹
<input type="checkbox"/> Conservation Commission ⁴	<input type="checkbox"/> Site Plan ²	<input type="checkbox"/> Variance ¹
<input type="checkbox"/> Licensing	<input type="checkbox"/> Preliminary Subdivision ³	
Type: _____	<input type="checkbox"/> Definitive Subdivision ³	
	<input type="checkbox"/> Accessory Dwelling Unit (ADU) ²	
<input type="checkbox"/> Other _____		

(Fee: Inquire with Assessors)

(Please Specify)

Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.

THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: _____ Date completed: _____

List completed by: _____ Date paid: _____ Cash/Check _____

¹Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

²Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

³Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. Note: For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

⁴All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. Note: Responsibility of applicant to notify abutters and produce evidence as required.

⁵Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. Note: Responsibility of applicant to notify abutters and produce evidence as required.

TOWN OF TRURO



PLANNING BOARD

FORM F CERTIFICATION OF COMPLETION & RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Date: _____
Subdivision Name: _____ Location _____
Owner: _____
Owner address: _____
Applicant: _____
Applicant address: _____
Barnstable County Registry of Deeds, Plan Book _____, Page _____
Barnstable County Land Registry, L.C.P. No. _____
Form D Covenant Doc. No. _____ Book _____ Page _____

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that the construction of ways and the installation of municipal services for the subdivision cited above have been fully and satisfactorily completed in accordance with the Planning Board Rules and Regulations to serve the following lots:

Pursuant to MGL c.41, §81-U and in consideration of said construction and installation, the Town of Truro a Massachusetts municipal corporation, acting through its Planning Board, hereby release its interest in the performance security for the subdivision cited above.

Truro Planning Board Date: _____

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, one of the above signed members of the Truro Planning Board, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence.

By commission expires: _____

Notary Public



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

PROCEDURE FOR SUBMITTING CERTIFICATION OF COMPLETION AND RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

An application consisting of the recommendations of §2.5.7 of the Subdivision of Land Regulations will be filed as follows:

- **twelve (12) packets to be filed with the Town Clerk; AND**
- **a complete copy, including all plans and attachments, submitted electronically to the Town Planner at planner1@truro-ma.gov.**

The following information and requirements must be filed with all applications for Certification of Completion and Release of Municipal Interest in Subdivision Performance Security consistent with the Rules, Regulations and Fee Schedule of the Truro Planning Board.

☐ **1 – Official Application Form – Original and Eleven (12) 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 (Twelve (12) Copies)**

Every application and petition to the Board shall be accompanied by all the plans and other information required in the Subdivision of Land Regulations. The application shall include each of the requirements of §2.5.7 as listed in the attached Checklist which is to be submitted as part of the official application.

☐ **3 – 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 **\$100.00**. The filing fee is non-refundable.

ONCE A COMPLETED APPLICATION HAS BEEN RECEIVED

- Town Planner will determine if an Application is complete. Upon determination an Application is complete, the Town Planner will notify the applicant of the next Planning Board meeting date.
- Either you or your agent/representative shall appear before the Board at the scheduled meeting. If you need to reschedule, you must submit a request in writing for a continuance, using Town of Truro Continuance Request Form.
- Additional information may be submitted prior to the scheduled meeting provided it is received no less than **ten (10) days** prior to the meeting so that it can be included in the packet for Board Members to read and review. Submit twelve (12) paper copies **AND** an electronic copy to the Town Planner (at planner1@truro-ma.gov). Plans must be submitted to the Town Clerk for filing. Information received less than **ten (10) days** before the scheduled meeting may result in a continuance of the meeting. New material brought to the meeting, that has not previously been filed/submitted, will not be reviewed at that meeting.

Please do not include a copy of these instructions with the application



Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM F

CERTIFICATION OF COMPLETION AND RELEASE OF MUNICIPAL INTEREST IN SUBDIVISION PERFORMANCE SECURITY

Date: _____

Subdivision Name: _____ Location: _____

Owner: _____

Owner address: _____

Applicant: _____

Applicant address: _____

Barnstable County Registry of Deeds, Plan Book _____, Page _____

Barnstable County Land Registry, L.C.P. No. _____

Form D Covenant Doc. No. _____, Book _____, Page _____

The undersigned, being a majority of the Planning Board of the Town of Truro, Massachusetts, hereby certify that the construction of ways and the installation of municipal services for the subdivision cited above have been fully and satisfactorily completed in accordance with the Planning Board Rules and Regulations to serve the following lots: _____

Pursuant to MGL c.41, §81-U and in consideration of said construction and installation, the Town of Truro, a Massachusetts municipal corporation, acting through its Planning Board, hereby release its interest in the performance security for the subdivision cited above.

Truro Planning Board Signatures:

Date: _____

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS

On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____, one of the above signed members of the Truro Planning Board, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence.

My commission expires: _____

NOTARY PUBLIC

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Town of Truro Planning Board

P.O. Box 2030, Truro, MA 02666

FORM E

APPLICATION FOR MODIFICATION, AMENDMENT OR RESCISSION OF DEFINITIVE SUBDIVISION

To the Planning Board of the Town of Truro, MA

Date _____

The undersigned, being the applicant as defined under Chapter 41, Section 81-L, for approval of a proposed subdivision shown on a plan entitled _____

by _____ dated _____ and described as follows:

Located: _____ Assessor's Map(s) and Parcel(s): _____

Number of Lots Proposed: _____ Total Acreage of Tract: _____

Hereby submits said plan for (*circle one*) MODIFICATION AMENDMENT RESCISSION in accordance with the Rules and Regulations of the Truro Planning Board for the following reason(s):

The undersigned's title to said land is derived under deed from _____, dated _____, and recorded in the Barnstable Registry of Deeds Book and Page _____ or Land Court Certificate of Title No. _____ registered in Barnstable County, and said land is free of encumbrances except for the following:

The undersigned hereby applies for approval of said MODIFICATION, AMENDMENT OR RESCISSION plan by the Board, in belief that the plan conforms to the Board's Rules and Regulations.

Applicant:

(Printed Name of Applicant) (Signature of Applicant)

Applicant's Telephone Number(s) _____

Applicant's Legal Mailing Address _____

Owner's Signature if not the applicant
or applicant's authorization if not the owner:

(Printed Name) (Signature)

Owner's Legal Mailing Address _____

Surveyor Name/Address _____
(or person responsible for preparation of the plan)

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

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
2.5.7 Evidence of Satisfactory Performance					
	Before the Board will release the interest of the town (Form F) in a performance bond or deposit or, in the case of approval with covenant, issue a release of covenant, the following must be submitted to and approved by the Board:				
a.	Five copies of an "As Built" drawing prepared and certified by an engineer or land surveyor.				
	Certification shall be by the engineer or land surveyor employed by the applicant at his or her own expense and shall indicate by a statement on the plan that "all streets, sidewalks, sewers, storm drains, and water mains, and their appurtenances shown have been constructed in accordance with the lines and grades of the approved plan or the approved revised plan and are accurately located as shown hereon."				
	The "As-Built" Plan shall accurately show the following and shall be drawn on twenty- four (24) by thirty-six (36) inch reproducible sheets at a scale of				
	one inch equals forty feet (1"= 40') horizontal and				
	one inch equals four feet (1"= 4') vertical:				
1	Final as-built centerline profile and the "as designed" centerline.				
2	Street lines, traveled ways, berms and sidewalks.				
3	Permanent monuments and boundary points.				
4	All roadway drainage including:				
	• basin and manhole rim and invert elevations				
	• structure type and size				
	• type and size of all other drainage such as underdrains, trenches, channels and detention/retention areas.				
5	Location of water mains, gate valves and hydrants.				
6	Location of above and underground utilities.				
7	Location of all easements including drainage and slope.				
8	Location of miscellaneous features installed within the street layout such as signs, lights, guardrail, or other similar appurtenances.				
9	Location of ancient ways, historic walls, foundations, or other similar structures.				

2.5 - DEFINITIVE SUBDIVISION PLANS REVIEW CHECKLIST - Applicant

Address: _____		Applicant Name: _____		Date: _____	
No.	Requirement	Included	Not Included	Explanation, if needed	
2.5.7 Evidence of Satisfactory Performance					
b.	The Board shall obtain in writing from the Applicant's Engineer a statement that all work required by the Rules and Regulations and the approved Definitive Subdivision Plan has been inspected by him or her and completed in each street in the subdivision (or the street or streets serving the lots in question), including storm drains, bridges, and sidewalks, and that he or she has approved the methods of construction and materials used in the performance of such work. (Form E)				
c.	There shall be one-year growth for all grass and plantings.				

**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**

**TOWN OF TRURO
Planning Board
MEETING MINUTES
December 4, 2019
TRURO TOWN HALL**

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

Members Absent: None

Others Present: Town Planner-Jeffrey Ribeiro, Linda Noons Rose

Chair Sollog called the meeting to order at 5:07 pm.

Public Comment Period: No public comments.

Temporary Sign Permit Applications

Outer Cape Chorale, for two (2) signs, 3' x 2 ½' to be located near the Library on Route 6 at Standish Way and near Aldrich Road on Route 6. The signs will be installed on December 5th and removed December 16th for a concert on December 13th and 14th.

Member Greenbaum made a motion to approve the two (2) signs for Outer Cape Chorale.

Member Herridge seconded.

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

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.

Chair Sollog read from a staff report that stated the applicant requested to continue the hearing to December 18, 2019 to provide adequate time to receive comment from the Health Agent and the Board of Health.

Member Greenbaum asked if the Board had done a site visit. Member Kiernan stated they had not because this is a preliminary.

Member Kiernan made a motion to continue the Public Hearing in the matter of 2019-006/PB to the December 18, 2019 meeting.

Member Boleyn seconded.

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

Board Action/Review

2019-009/SPR – Warm Salt Breeze (Linda Noons Rose), for property located at 1 Sand Pit Road (Atlas Map 39, Parcel 164). Applicant seeks Waiver of Commercial Development Site Plan under §70.9 of the Truro Zoning Bylaw for construction of a 25' x 36' metal building for machine storage.

Linda Noons Rose came before the Board. She stated that the piece of property where this building is to be built is an area that had been flattened out previously. The Building Inspector issued her husband a permit in May. The floating slab was installed along with foundation pieces, and when the Building Inspector came for a foundation inspection, he told her husband that he incorrectly gave him the building permit. The project should have gone before the Planning Board first. They have put a lot of money into this and the only thing left is to install the building.

In Member Kiernan's opinion they are taking a parking space where equipment was parked, building a Quonset hut and storing the trucks inside. Chair Sollog asked what type of services would be in the building. Ms. Noons Rose stated that at some point her husband may want to add a small structure with a roof on one end. There are no plans for heat.

As Member Riemer understands it, even if the Board waives the Commercial Site Plan Review, all the plans and documentation will be maintained in a file. Chair Sollog agreed that it would become part of the record. He asked that a plan be produced which will show the location of the new building on the property. Neither Member Tosh nor Member Herridge feels that is necessary. Chair Sollog thinks it's nice to have a record but will not hold anyone's feet to the fire. Member Riemer asked if it would be adequate to have the building included on the Felco plan. Town Planner Ribeiro stated it would be more typical to show the existing structures in the immediate vicinity. Chair Sollog would like to have one plan with all the structures on it. Member Tosh and Member Herridge believe that all the information needed is already within the application. Member Greenbaum agrees with Chair Sollog.

Member Kiernan made a motion to waive Commercial Development Site Plan review based on the condition that a plan shall be submitted showing both the proposed building and the existing building. Member Tosh seconded.

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

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.

Town Planner Ribeiro stated that they have a 40B Comprehensive Permit project before the Zoning Board. The application was distributed to the Planning Board and it is customary that they provide comments to the ZBA. As part of the Comprehensive Permit process the ZBA is the sole permitting board for local regulations and the applicant has requested a waiver from Site Plan Review in favor of a general site review. The Planning Board can offer any comments it chooses. The comments which would be most useful, and appreciated, would be on the site plan review process.

Member Kiernan would like to know if the Cape Cod Commission will be chiming in. Town Planner Ribeiro let the Board know that the Cape Cod Commission comments came in yesterday afternoon and he will make copies for them to read. The Commission did not have any problems with site or building design. They provided some basic traffic count information and didn't seem to have significant concerns with vehicular traffic at the site. The Commission did suggest that the applicant work with the Town, the DOT, and potentially the Cape Cod Regional Transit Authority, to have a sidewalk that goes from the site to the bus stop. The biggest area of commenting from the Cape Cod Commission was around the topic of wastewater and stormwater. Town Planner Ribeiro distributed copies of the Commission's comments for the Board to view.

Member Herridge wished to state that Pond Village is the hottest nitrogen area in Truro. As of nine years ago, that area's levels were close to toxic levels. Chair Sollog does not want anyone "pointing the finger" and warning someone that they are in grave danger. He does not feel it's fair for the Board to do that. Member Herridge countered that he is a physician and he can interpret the facts and he is very alarmed. Chair Sollog stated that the Planning Board was in sympathy with that alarm.

Member Riemer thanked Town Planner Ribeiro for providing the two-page working document to the Board. He did notice that 70.1A, Purpose, was included but 70.1B was not, and he wished to read that into the record.

Member Kiernan asked Town Planner Ribeiro if there was a time limit on their response. Town Planner Ribeiro stated, "No". One item he mentioned that was discussed with the Zoning Board of Appeals was that wastewater and stormwater was going to be a concern. The Cape Cod Commission comments will be very useful, in part, to help scope a potential peer review. Tomorrow night there will be a strong recommendation of staff that they move forward with bringing on a consultant for the Town that will review the hydrology, the nitrogen loading, the movement of the groundwater, the effects that the stormwater may have, all of those things. Those items will be looked at by accredited professionals. Member Herridge wants to know how the groundwater will be dealt with. He states nitrate is toxic at low levels. At levels of 10 mg/liter it can cause *blue baby syndrome*. He has evidence from a recent review article that levels below 10 mg/liter can, over a long period of time, can cause types of cancer and an increase in birth defects. He does not know if the Board of Health was aware of the toxicity of nitrates. He presented it to the Board of Health last night. He feels it must be dealt with. Town Planner Ribeiro thinks the specifics of the project need to be looked at very closely. The consultants will be accredited professionals who have experience working in other towns. The Zoning Board will have the final say in who is chosen, and Town Counsel is putting together a list of potential firms that could be used. Chair Sollog asked if the Board would be able to ask for specific people to be considered. He is thinking of the Association to Protect Cape Cod (APCC) as one of that group's main concern is groundwater. Town Planner Ribeiro thinks that reaching out to APCC is reasonable. Member Herridge stated that 40B does not trump safety.

Member Kiernan asked Town Planner Ribeiro if he is the technical person who is helping the ZBA with the process. Town Planner Ribeiro is working with Town Counsel. Member Kiernan would like to know at what point the ZBA would be wrapping up to a vote. Town Planner Ribeiro feels at the earliest it would be mid-January, but there are many factors which will affect the timeline. Member Kiernan did some research, stating that the Cloverleaf project has seventy bedrooms which, according to Board of Health regulations, would require 700,000 square feet of property. This property has 170,000 square feet. The developer is asking the ZBA to waive the Board of Health regulations. He would like to know how involved the Board of Health will be in helping to develop this project to the benefit of all Truro. He feels it's important, from a site plan review standpoint, to point these things out. Member Kiernan's hope is that the ZBA will take this very seriously and get someone from the State to look at the water problem.

Member Kiernan continued by reading that the applicant states having an I/A system would be an excessive cost, yet they do not state what that cost would be. He would like Town Planner Ribeiro to ask for the cost. Town Planner Ribeiro stated that it's already been asked. Member Kiernan pointed out that the effluent from this development will be discharged into the aquifer via two, seventy-five foot by seventy-five foot, leaching fields that are thirty feet apart which will act like a faucet into the aquifer. He sees that as a potential problem.

There are a number of other problems Member Kiernan sees. One issue is the pedestrian flow. There are 40 living spaces and 80 parking spaces which meets their regulations, but if you add in a community room that causes the issue of not meeting regulation. There is a nice artists rendition of what it would look like, and he's asking where snow would be put. If you push it off the road, it'll go onto all the cars. How will an ambulance or fire truck work its way around? School busses don't go up private driveways. How will children get down to where they can get the bus? If there is no pathway to get down, are we making children walk in the road? There has got to be a safe place to put the snow during plowing. As was mentioned during the Board of Health meeting last night, the septic system is a dosing system. The 21-unit apartment house is being serviced by an elevator. If you don't have backup generators for the

dosing system, then the septic system doesn't work. You don't want anyone stuck in an elevator. He believes there is a large checklist of items the Planning Board can create for the ZBA to go through. As far as Chair Sollog understands it, the project is planned to be rental units. Town Planner Ribeiro stated that was correct. Chair Sollog asked what you would call a building with multiple rental units. Town Planner Ribeiro stated, "an apartment house". Chair Sollog pointed out that they do not have a definition of an apartment house, and there is a section in their bylaw which states that if there is no definition, then it is prohibited. Town Planner Ribeiro states that this is always the first waiver on the list, and that's why 40B's are done.

Town Planner Ribeiro did let the Board know that there are sidewalks on the plan. Member Kieran wants to know how the snow being plowed gets onto the other side of the sidewalk. Member Greenbaum believes she heard during the presentation that the DPW would be handling the plowing. Town Planner Ribeiro states that is unclear. Member Greenbaum had seen that the DPW submitted a report on drainage and she wondered if the Board can request that the DPW weigh in as to the adequateness of the ability to plow and store the snow. She believes the developer is working with Police and Fire to ensure that the road layout works. Town Planner Ribeiro told the Board that he has his first comments from the Fire Chief, who reached out to the State Board of Fire Engineers. They looked closely at the area around the common and they want a small portion of that drive to be widened. The question as to the turning points into, and out of, the site was discussed, and those comments will be coming in later. The Fire Chief has asked that all the buildings (including the duplexes) be sprinkled, and he's also asked for another fire hydrant be placed in the middle of the site.

Town Planner Ribeiro states they've given the engineers (for the applicant) some basic details of the trucks which the Fire Department has so they can do a turning analysis. Member Kiernan asked to find out if the Fire Department currently has the equipment needed to fight a fire on the third floor.

Member Kiernan continued. When the school was built in the early 1990's, a new well was installed behind the building. The water from there goes down the highway and off to Provincetown. At the time, someone asked if the Town could run water past the general business district and was told no, due to the limits of the water pressure. Provincetown has said Truro can tap into their water line for the affordable housing project. No one has been able to tell him what effect that will have on the water pressure. Is the Town going to have to put up a water tower behind the Police Station in order to keep the pressure up? How do they make sure that it's safe? Town Planner Ribeiro will reach out to DPW Director Cabral on those points. He added that the Provincetown Water Superintendent has been involved as well and may have information on those questions.

Member Riemer stated a Board of Fire Prevention Regulations recently promulgated revisions to 527 CMR 1.00 which is the Massachusetts Comprehensive Fire Safety Code. The revisions went into effect in October of 2019. He's asking if the plan has incorporated those recent changes. One thing about 40B2 is that you cannot get waivers from State requirements or building code requirements. The plan would have to meet the requirements. It is something they could put on the list of comments they are compiling. Member Riemer said that the State stormwater regulations have been updated as well and he wonders whether those updates have been addressed at the project site. Town Planner Ribeiro asked the Board if they had additional stormwater concerns in addition to what Member Riemer has discussed.

Member Greenbaum noted that there is no indication of any path, separate from the roadway, leading down to Highland Ave. She believes there will be people who do not have vehicles and there should be a path down to Highland Ave. for people to use to the bus. Town Planner Ribeiro said he'd add a suggestion to explore adding a pedestrian path. He also confirmed that the sidewalk does go all the way down to the street.

It was Member Herridge's understanding that one of the major purposes of this project was to provide workforce housing, but he sees the majority of the housing units are reserved for people who make less

than \$30,000 and less than 60% of median income which is \$66,000 in Truro. That is not anybody who is employed full-time. He'd like to know where the workforce housing is. Town Planner Ribeiro states that often a 60% and below income unit is cheaper to own than the more expensive one, because Federal subsidies are available. One of the big funding sources is the low-income tax credits. Member Herridge asked if the reason why there are so many units for under \$30,000 and less than 60% of median income was because they'd get more federal money. Town Planner Ribeiro stated yes. The average median income for a family of four is about \$90,000 in Barnstable County. Member Herridge believes many people are under the impression that there will be workforce housing in this development, and there isn't (or there are very few).

Member Herridge stated that the entire project would be owned by one man and run through a Massachusetts corporation that is a For-Profit corporation. Why? He went on to say that there is a written agreement about the limitations and dividends. He would like to see that agreement. Town Planner Ribeiro answered that it is very typical for affordable housing to be built, owned, and operated by For-Profit entities. There's a lot of them that operate Nationally. The time at which the Zoning Board would get involved in the numbers would be if there is a claim that a condition would make the project uneconomic. Until that stage that's not looked at. Member Herridge said that under 40B the Town can have a great deal of influence on the nature of the project. Member Kiernan says that in round figures the rental income for one year is around one million dollars. He's estimating 40 million to build with one million per year in return. He asked where do the government subsidies fit in. Town Planner Ribeiro said that the low-income tax credits more or less function like a cash subsidy and then the tax credit is sold, generally, to a corporation.

Member Herridge asked if the Board wanted to ask for more workforce housing. Chair Sollog answered that he's not sure as he doesn't think there are enough jobs to support workforce housing. Member Kiernan stated that there's a chance the "working-poor" that live in Truro may not fit into a category for this housing. They will be making too much money. Member Kiernan spoke of having a little garden area and a play area for kids. He's gone by Bridal Path in Provincetown and there is no place for children to play. Town Planner Ribeiro will add that to the list of comments. Chair Sollog pointed out that there needs to be additional parking for guests.

Member Riemer had a question in regard to the septic design. The developer offered the opportunity to incorporate not only the site, but the adjacent area within the Cloverleaf design, to mitigate the nitrogen loading requirements. If that were to be incorporated would that also be part of the 1.5% total land area that also is a means of qualifying meeting the quota. Town Planner Ribeiro thinks not but does not want to state that outright. The State, for a long time, had not issued guidance on the 1.5% of land area. There is a document which may have some information, but he thinks they'd be pretty far from the 1.5%. Member Herridge isn't sure because the 1.5% leaves out many things, for example, the seashore. The calculation has never been done for Truro, but it ought to be done because Truro may reach it, given all the exclusions that are allowed. Town Planner Ribeiro said they can quickly look at it. Chair Sollog states that the density for this project is larger than the density for any other project seen in Truro. Member Kiernan then read a paragraph from the Cape Cod Commission's comments about the project's sitewide nitrogen loading concentration. The comment points out that without local water table measurements it is not possible to more precisely determine the direction of the groundwater flow, and likely path, of septic system effluent. Member Herridge states they need a comprehensive engineering study and the legal liability of the Town needs to be considered. The Board decided to schedule a work-session to refine their comments for December 11, 2020 at 2:30 pm.

Town Planner Ribeiro brought out a plan for Edgewood Farm for the Board members to sign.

Approval of Minutes

Member Kiernan made a motion to approve the September 18, 2019 minutes as amended.

Member Boleyn seconded.

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

Chair Sollog stated that he would like to place “the election of officers” onto the next agenda.

Member Riemer made a motion to adjourn at 7:19 pm.

Member Boleyn seconded.

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

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
Planning Board
MEETING MINUTES
December 18, 2019
TRURO TOWN HALL**

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

Members Absent: None

Others Present: Town Planner-Jeffrey Ribeiro, Kristina (no last name given) from Smartlink on behalf of AT&T, Mark Donnelly from Smartlink on behalf of AT&T

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

Public Comment Period: No public comments.

While the Board waits for the first applicant to arrive, they will move to the second public hearing.

Public Hearing-Continued

2019-008/PB Nathan A. Nickerson III seeks approval of a Definitive 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 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325.

Chair Sollog announced that the applicants have requested to continue to the Planning Board's meeting of January 8, 2020.

Town Planner Ribeiro stated that the applicant's attorney had a scheduling conflict. There is plenty of time in the timeframe and he believes it's a very reasonable request.

Member Kiernan made a motion to continue 2019-008/PB to the January 8, 2020 Planning Board meeting.

Member Herridge seconded.

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

Member Riemer would like to know if the abutters will be notified as to the continuance. Town Planner Ribeiro let the Board know that he will notify the abutters he's been in contact with. Member Riemer asked if any of the abutters had a problem with the proposed extension date. Town Planner Ribeiro stated no. Member Herridge stated that he had spoken to an abutter who could not attend on the extension date, but he could send in a letter or an email. Chair Sollog let the Board members know that once the vote to continue the hearing took place, it was not open any more. He'd appreciate this discussion happening before the vote to continue happened. Member Kiernan wanted to know how the abutters would be notified. Town Planner Ribeiro said that most were in touch via phone or email and that's how he'd convey the continuance.

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 45, Parcel 8.

Chair Sollog stated there was a request to continue this public hearing to the Planning Board's January 8, 2020 meeting. Town Planner Ribeiro has been in touch with John O'Reilly, the engineer for the project, and he had scheduling conflicts with tonight's meeting. He expects this to move forward on January 8th. Member Kiernan asked, each time the applicants request a continuance, does that push back the due date back? The answer was yes. The Planning Board has 45 days to make a decision on a preliminary and he does not want to see the Board opening the hearing on day 46 and find out that it's too late.

***Note-no vote was made to continue.**

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.

The Zoning Board of Appeals was provided a list of the Planning Board comments. Member Herridge asked if the Town Planner knew if the abutters to the Cloverleaf project have been notified. Town Planner Ribeiro stated that it's noticed the same as a Special Permit, which means it's sent via regular mail (not certified). Member Herridge says he spoke to a bunch of the abutters and none were notified. The Town Planner will look into it. Member Kiernan looked over the Assessor's list of notifiable abutters. That list had changed from August of 2018. A bunch of condominiums had changed hands, and hence, the new abutters list. Member Herridge said that notifying abutters is a moral and legal requirement of the Town. Member Kiernan read the list of comments which Town Planner Ribeiro did up for the Zoning Board and states it was excellent. He has come up with some other items for discussion.

- He feels it would be worthwhile to make note of the Reynolds/Stow case and ask the Zoning Board of Appeals if they would speak to their contact at KP Law as to the effect of granting a Special Permit that may be in violation of this court ruling. Chair Sollog wonders if a ruling like that set a precedent. The answer was yes. Town Planner Ribeiro and Town Counsel are very aware of the Stow decision. Member Greenbaum thinks providing the decision information to the ZBA would be helpful.
- He had a chance to read the Board of Health letter to the ZBA and it was excellent. They clearly explain that, based on the situation where some people have town water and their abutters have well water, they have placed into their regulations that you need 10,000 square feet per bedroom in order to make sure that everybody's well is preserved.

Member Riemer states he would like to support the best outcome for affordable housing at the Cloverleaf project. In reviewing the issues regarding water resources in Truro, he noted there is an integrated water resources plan-phase 1 (available on the Town's website). The firm which prepared the plan is Weston & Sampson and they are well regarded. He'd like to offer another well-regarded firm that has done work in Truro, Horsley Witten. They have extensive experience on the Cape. They are an engineering and environmental firm founded on principles of sustainable water resource protection. He would like the Planning Board to support Horsley Witten as a potential peer review selection. He went on to say that the developer is seeking a waiver of Truro Board of Health's Title V regulations. There are seven market rate units. The question is, why can't the market rate units bear the additional cost to properly treat the sewerage that will be treated at this site. He continued, stating it should be noted that secondary treatment can reduce nitrates by 60% after which, drip irrigation can further diffuse effluent over the whole site. Sewerage from the site is discharged between two public water supplies. The question is; what happens during a drought when the zones of contribution are drawn down and insufficiently treated sewerage is discharged into the aquifer, and then drawn toward the public water supplies. The roadway serving the Cloverleaf intersects with Highland Road where a catch basin

connected to the collection system, which conducts storm water into Pond Village and the pond, lacks features such as vegetative swales, rain gardens, and well water separators which remove contaminants. Are pollutants from this site contributing to a pond which is already polluted? Why isn't this a Truro Conservation Commission concern? Member Riemer would also like to ask; Is the storm water runoff site going to further aggravate the flooding of Pond Village during storm events? He knows of two residents that lost their vehicles that were in storage at Pond Village during a flooding event. Member Herridge added that the report Member Riemer references is online on the Town website. Anyone can look at it and see where all the nitrogen hotspots are. The hotspots are all over the Cloverleaf site, Pond Village, and North and South.

Chair Sollog states that some of the items discussed at the meeting today are duplicates. He asks the Board if they'd like to compile a new list to give to the Zoning Board of Appeals. By consensus, the Board would like to provide additional concerns about the site. Chair Sollog asks Town Planner Ribeiro to summarize the discussion for the ZBA. Town Planner Ribeiro stated that he heard the following points:

- The Weston and Sampson report
- Pointing out the Stow decision
- Looking into abutter notification
- Referring the ZBA to Figure 3.2 and Figure 4.3 of the Integrated water resources plan-phase 1 (referencing hotspots)
- Questions as to what happens during a drought when more of the water is drawn
- Request to consider Horsley Witten as a potential peer review selection
- At the highest point of the site (+30 feet) what will the water pressure be (to support fire hydrants)
- Will there be adequate water pressure, period, once the demand of this complex is added to the Provincetown water system, or will there be a need to put in a water tower
- Be sure that the Conservation Commission is aware of the amount of storm water runoff that's possible.
- Ask the Conservation Commission to weigh in on the project.
- Ask the Conservation Commission to provide some questions to the engineering firm ahead of time, rather than just reviewing. Town Planner Ribeiro will pose this to Town Counsel to see how to handle it.

Town Planner Ribeiro stated that a balloon test will be conducted on Saturday. The main point is to view it from Route 6, Highland Road, and various other public vantage-point locations. Member Kiernan asked which building is the highest. Town Planner Ribeiro stated that #21 with 15 units was the highest. Member Greenbaum asked if anyone would be taking photos to which Town Planner Ribeiro stated yes.

Public Hearing

2019-007/PB – Smartlink, LLC o/b/o AT&T seeks approval for a Special Permit under Section 40.5 of the Truro Zoning Bylaw for the replacement of existing antennas with new antennas on the wireless communication structure on property located at 5 Town Dump Road, Truro, MA, Map 55, Parcel 2-A.

Board Action/Review

2019-010/SPR – Smartlink, LLC, o/b/o AT&T seeks approval for a Waiver of Site Plan Review under Section 70.9 of the Truro Zoning Bylaw for modification of an existing telecommunications tower by replacing existing antennas with kind-like antennas, as well as Remote Radio Units. There will be no

increase in the number of antennas as well as no increase of the tower height or expansion of the leased ground space.

Kristina approached the Board. The Special Permit, as well as the Waiver, was read best by the Chair. They are not adding height to the tower or increasing the size of the ground where AT&T has their leased space. They are simply switching out antennas and radio units. There will be no change in appearance. This is for better technology and faster service. The construction crew would like to set up a pre-construction meeting seven days before starting construction.

Member Herridge asked why they would build an antenna in a valley? Member Kiernan stated that they were looking to site the antenna on Town land and that was one place they had available. If the antenna goes up 200 feet, a light would have to be installed at the top. By installing where they did, they eliminated the need for the light at the top. He also noted that there is an osprey nest now on the tower. Mr. Donnelly (from Smartlink) introduced himself. He explained that Smartlink will get everyone on board (SBA/AT&T/RF), and get the Planning Board sign-off, so the construction company can move forward. Member Kiernan asked if the Planning Board made a condition that the osprey nest not be disturbed, would that be a problem? Mr. Donnelly stated that would not be a problem. Town Planner Ribeiro noted that per the Federal Migratory Bird Act if there is an egg or anything in the nest it cannot be touched, regardless, and you can get jail time. If the nest is not occupied, they could move the nest and then place it back in the same spot after construction is done.

Chair Sollog asked what the weight difference would be. Kristina stated the weight would relatively be staying the same.

Member Reimer stated that adjacent to the work site is an area which the Town opens to the public to deposit storm debris, leaves, horse manure, and the like. He would like to know if that area will be closed to the public while the work takes place. Member Kiernan suggested that before construction Smartlink could give notification to the DPW staff so they could close it off and people wouldn't drive down there. Member Reimer wanted to be sure the "caution" signs around the fenced area would remain, which Mr. Donnelly assured they would be. Member Reimer would like to know why they couldn't improve cell phone reception in the Pamet River valley by putting a repeater here in Town Hall. He also asked if that would cause any harm to people. Mr. Donnelly stated the repeaters were of no harm to people. Town Planner Ribeiro said you'd have to see how large the cupola on top of Town Hall was, and sometimes the structural modifications that occasionally must occur can hurt the historic integrity of a structure, however it is something which could be discussed. Mr. Donnelly stated he'd have RF (the design engineers) look into it.

Member Kiernan made a motion to approve the waiver of site plan review.

Member Herridge seconded.

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

Member Greenbaum made a motion to approve the special permit with the following conditions:

- **Applicant shall notify the Department of Public Works no later than seven (7) days in advance of any proposed work on the site. All proposed work shall be done in consultation with the Director of Public Works and the Director shall isolate the location where the work is to be conducted.**
- **The osprey nest shall not be disturbed, and if need be, remove and replace the nest to the same location.**
- **Have the construction schedule verified by the Superintendent.**

Member Kiernan seconded.

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

Member Riemer asked if there was something which needed to be voted on regarding a repeater in the Town Hall tower for better cell phone service. Member Tosh stated that would have to be an agenda item. Chair Sollog understands the lack of cell service and believes that 5G is going to address the problem. Town Planner Ribeiro let the Board know that they could place this item on an agenda to discuss.

On a quick note, Town Planner Ribeiro believes that creating an administrative modification process for antenna swaps (and the like) would be helpful. The Board agreed that they should discuss it at an upcoming meeting.

Election of Officers

Chair Sollog wished to make a comment that he's honored to have been the Chair of the Planning Board for as long as he has. Serving with this Board, currently, has been some of the best and they really care about what they are doing. He admires everyone on the Board for devoting the time they put in. He is asking to step down as the Chair and would like to ask, and nominate, Anne Greenbaum to be the Chair.

Member Kiernan seconded.

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

Chair Greenbaum stated that she is following in Member Sollog's footsteps in being, she thinks, a reluctant Chair. A Chair that does not wield power in a negative way. She is very grateful that Member Sollog will continue to be a member of the Board. She values his perspective, and his belief in the importance of hearing from members of the Truro community. She feels that recently there have been more attacks on this Board and therefore, on its Chair. She feels the dignity with which Member Sollog dealt with those, and his consistency in taking the high road, is a model for this town and one which she hopes to follow. She wished to recognize a couple of items accomplished by the Planning Board under his leadership.

- This Board has continued to function, and move forward, despite the revolving door of Town Planners.
- The current work they have undertaken, in terms of revising applications and processes, all with the goal of making things more efficient.
- The passage of the house size bylaw that is seen as a model across the Cape.

Member Herridge would like to thank Member Sollog for years of excellent service as the Chair of the Planning Board, which they all know is not easy. He will always be proud to have served on his Planning Board. He wishes to thank him for his determination and courage in standing up to the local bullies, who are the dark side of this otherwise lovely town.

Member Kiernan stated it's been his pleasure. He would like the viewing audience to know that Member Sollog is an excellent musician and vocalist, works the keyboard like a champ, and although Mr. Kiernan can be thorny at times, they love him (speaking on behalf of the whole Board).

Member Boleyn said that in his experience, he believes Member Sollog has been the most collaborative, successful, person on the Board and that he has set a very good example for them.

Member Riemer stated that on this Board, everyone knows they are all equals. In the Chair position, you're in a leadership role. The most effective means of leadership is by example, and Member Riemer wishes to thank him for setting that example.

Member Tosh added that he's been a great leader. He has so much patience. She has sat through meetings where he has let people say everything they need to say, and she thinks that's very important.

She would like to echo what Member Herridge said, which is that Member Sollog's humility in the face of bullies, and people insulting the entire Board at public hearings was commendable. She is not sure many people could handle it the way he did. He's been a great Chair, it's been fun, and she's glad he's staying on the Board.

Update on past Work Sessions and discussion for setting dates for future Work Sessions.

Chair Greenbaum stated that the ADU Sub Committee has been on hold due to the death of Select Board member Maureen Burgess. Select Board member Bob Weinstein will be filling that slot. She and Select Board member Weinstein will be meeting tomorrow morning, informally, to catch him up. After that, the ADU Sub Committee will have their next meeting on January 9th, 2020. At that meeting they will discuss when to bring their suggestions to the two Boards, she's aiming for late January. In terms of setting dates for future work sessions, Chair Greenbaum held up a spreadsheet which was passed out to the Board earlier. It organizes the conversations that they've had, in their work sessions. She's added a column for priorities. Her request is that each Board member take this home and prioritize each of the items. That will guide their conversations in upcoming work sessions. A date of January 15, 2020 at 2:30 p.m. was agreed upon for their next work session. In order for Chair Greenbaum and Town Planner Ribeiro to have enough time to pull together peoples prioritizing, she proposed January 3, 2020 as a due date for the Board members to get their responses back Liz Sturdy.

Town Planner Ribeiro stated that they are adding, to their next agenda, the recommendation on the cell towers. The Cloverleaf discussion will remain. He also reminded the Board to check their town emails around noon tomorrow as he will send the compilation of comments discussed earlier to them. If they would review and send him a reply as to whether they are good to go or not, he can then get those comments to the Zoning Board of Appeals.

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

Member Tosh seconded.

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

**Respectfully Submitted,
Noelle L. Scoullar**

TOWN OF TRURO
Planning Board
MEETING MINUTES
January 8, 2020
TRURO TOWN HALL

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

Members Absent: Paul Kiernan

Others Present: Town Planner-Jeffrey Ribiero, Joseph Trovato, Atty. Lester J. Murphy Jr., Robert Reedy

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

Public Comment Period:

Seeing as there were no public comments, Chair Greenbaum read something which she said she'd be reading at all meetings going forward. It is from the Select Board Policy on Professional Conduct. She'd like to remind all of them of what they can, and should, expect in terms of discussion and comments during Planning Board meetings.

Respect and civility from all employees, volunteers, those representing the Town, and those in attendance at any Town function shall be maintained at all times, including, and especially, during public meetings. Public meetings are to be free from disrespect, creating a public embarrassment, and /or personal attacks on any person, whether present or absent from the proceedings. Town officials and employees, as well as the public shall be free to express their ideas, as is their right, without the threat of harassment and/or intimidation. All persons as mentioned shall not be verbally or physically accosted for any reason at any time. While disagreements about issues are acceptable, becoming disagreeable is not.

Chair Greenbaum thinks this is a good way to operate.

Public Hearing

2019-009/PB - Accessory Dwelling Unit. Joseph J. Trovato seeks approval of an application for an Accessory Dwelling Unit located within an existing structure pursuant to Section 40.2 of the Truro Zoning Bylaw. The property is located at 15 Highland Avenue, Map 22 and Parcel 38.

Joseph Trovato and Atty. Lester J. Murphy Jr. both approached the Board. Chair Greenbaum opened the public hearing. Atty. Murphy explained that this is an application filed on behalf of Mr. Trovato for approval of an ADU under Section 40.2 of the Zoning Bylaws regarding the property located at 15 Highland Avenue. The parcel of land the structure is on contains approximately 10,000 square feet with one principal structure. The structure presently contains two dwelling units, each of which has one bedroom and has been in a two dwelling unit configuration for a substantial period of time. Mr. Trovato has owned the property since 1982, and when he bought it, it had two dwelling units. He now has the property under agreement for sale. Town investigations discovered that although it's been there for a long time, the second dwelling unit had never been properly permitted or authorized.

Member Sollog stated that he believes the Town needs ADUs, he's only saddened that the size of the property is so small, and he'll defer to the Health Department to declare the septic system as safe. He asked if it had ever been Mr. Trovato's residence, or if it had always been rented. Mr. Trovato stated it's been his residence since 1982, and the other unit has always been rented year-round. Member Riemer

went through their checklist and he found he had some questions. He took an opportunity to drive by the property and wasn't sure he could visualize two off-street parking spaces in addition to parking otherwise required for the property. Atty. Murphy held up the plan and pointed out that the garage has two parking spaces. The parking area then proceeds towards the deck, and then there is another area. There is certainly enough area for four cars. Member Riemer stated it was not delineated on a plan as such, and he'd like to ask the other members of the Board to weigh in as to whether they can see it as clearly as Atty. Murphy has pointed it out.

Member Riemer continued with concern number two. They are required to provide the Board with a site plan or a site and sewerage plan. Within those plans, there needs to be included the setbacks from the road and property lines. He did not see that on the plans and he thinks it's important to have. He sees no reference to height, the number of stories, or square footage. Based upon the scale of the plans, Atty. Murphy calculated the ADU at about 800 square feet, and 875 square feet for the main dwelling unit. The problem that appeared is that the Assessing Department has the entire structure at 1400 square feet. He cannot explain that discrepancy. As far as setbacks, the building is about 25 feet from the road, and about 20-25 feet from each sideline. As far as height, it is an existing one-story dwelling of approximately 24 feet. Member Reimer added that the building plans, including the ADU, are supposed to show a front, side, and rear elevation, and he does not see that in his packet. Atty. Murphy stated that no alterations are going to be made. They are trying to legitimize the existing structure with the existing two units in it. Member Reimer thinks the snapshot look of it is important because ownership is changing. Going forward, if there are ever any questions as to what they looked at in the past, having a picture would give them the knowledge of what was there at a certain point in time. Atty. Murphy stated they could submit photos of the four sides of the building if the Board feels that is something they'd like to have as part of the record.

In Member Reimer's research at the Barnstable County Registry of Deeds, he saw a restriction on the property (placed by the Board of Health) that the structure is restricted to two bedrooms. Also included in the restriction, that bedroom restriction was supposed to be attached to the deed. Atty. Murphy stated that you can't physically attach something to a deed. It is there to appear as a matter of record so that when anyone searches the title they will see that the property is subject to that restriction. Member Reimer is concerned that the restriction may be lost. Atty. Murphy said that's why everything is recorded at the registry of deeds. Member Reimer has suggested that when approving, the Board may wish to condition the approval to include reference to the restriction. Town Planner Ribeiro discouraged the Board from moving into a realm which is under the jurisdiction of the Board of Health. It could be, perhaps, a finding that references the restriction exists, but advises it should not be any kind of condition. He has touched base with the Board of Health that the septic system passed.

Member Reimer stated that this structure is on a pre-existing, non-conforming lot. Does the Zoning Board of Appeals need to look at this as the use is being increased? Town Planner Ribeiro does not think so. This came through the Building Enforcement Officer. He can check with him. Member Riemer believes this should go through legal counsel. Member Tosh does not see this as a legal issue. The building has been there since at least 1982, and the apartment has been in the structure for just as long. She thinks the ADU bylaw contemplates the setbacks, the height, the stories, etc. In anticipation of a new structure. She does not feel they need to send him back to the ZBA. Atty. Murphy pointed out that there is nothing in the bylaw that differentiates how the Planning Board looks at this application vs. an application with an 80,000 square foot lot. Member Reimer countered that the ADU bylaw does state that in the event of any pre-existing, non-conformance of the application, it needs to be considered. Chair Greenbaum stated that the reality is this structure has been a 2-unit structure for 25-30 years and there is no use change. Her opinion is that this does not need to go to the ZBA.

Member Reimer would like to see the parking spaces on the plan, and he'd also like to see something documenting the square footage of each of the two units. Atty. Murphy stated that they have the plan,

and if someone came around with a new layout, that would be indicative of a change. Given the fact that the building is very close to the setbacks, any change to the exterior of that building is going to trigger the requirement to go to the ZBA. Chair Greenbaum asked Mr. Trovato if he could get someone to measure the interior of each room. Mr. Trovato can provide the measurements. Chair Greenbaum stated that could be a condition.

Member Reimer had another question on the septic system. It is noted that municipal water is available, and he wanted to know if Mr. Trovato has ever been contacted by the Provincetown Water Department saying he could hook-up to the water if he liked. Mr. Trovato stated that when he went to the Board of Health for his septic system, he would have needed approval from neighbors for Provincetown Water, and he would have to had cut across their yard for a pipe, so the Board did not make him tie into the system.

Member Herridge made a motion in the matter of 2019-009/PB-Joseph J. Trovato to approve, with conditions, a permit for an Accessory Dwelling Unit pursuant to Section 40.2 of the Truro Zoning Bylaw with respect to property located at 15 Highland Avenue in accordance with the plans submitted with this application, subject to the following conditions:

- 1. Once an ADU has been added to a dwelling, structure, or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to Section 40.2 of the Truro Zoning Bylaw without first obtaining a subsequent permit from the Planning Board, and in no case shall an ADU be permitted to exceed the square footage allowed by Section 40.2 of the Truro Zoning Bylaw.**
- 2. The principle dwelling and the ADU, and lot on which they are located, shall remain in common ownership and shall not be severed in ownership, including that the lot, buildings, or unit thereon shall not be placed in a condominium form of ownership.**
- 3. Either the ADU or the principle dwelling on a lot with an ADU must be leased for a term of at least twelve months. Rental of said unit for a period of less than twelve months, including but not limited to, seasonal rental, rental through vacation rental services, and websites is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner by the owner in the form of a lease and a signed affidavit from both the owner and the renter stating that the unit is being rented accordingly and is used as a primary residence.**
- 4. The ADU shall be inspected annually, or as frequently as deemed necessary by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspection and shall pay any applicable inspection fees.**
- 5. The applicant shall submit a revised floor plan showing interior dimensions**
- 6. Parking for no less than four cars shall be maintained in the existing garage and the area shown as driveway on the approved plan.**

Member Boleyn seconded.

Town Planner Ribeiro realized there was no offer to hear public comment at the beginning of the hearing. Chair Greenbaum asked the audience. Hearing no comments, she then closed the public hearing.

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

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, 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.

Robert Reedy with J.M. O'Reilly & Associates appeared before the Board on behalf of John O'Reilly, who had another meeting in Brewster to attend. Mr. Reedy is representing the Schirmer family. The property at 1 Amity Lane is part of a larger subdivision that was subdivided by the Schirmer's previously. Mr. Reedy continued by describing the history of the property. The Schirmer's are looking to create a four-lot subdivision. Lot 3 would be a buildable, single-family, dwelling lot. Lots 4 and 5 sit in the wetland area and they'd like to give those lots to the Truro Conservation Trust. J.M. O'Reilly & Associates has gone out and delineated where the wetlands are, and the coastal bank. He continued to describe the subdivision. In terms of zoning regulations, the buildable lots do meet frontage requirements, the Way meets the layout requirements, and the waivers they will be asking for at the time of the definitive plan, are related to the construction of the Way. They are hoping to not have to build the road and to get waivers from all requirements related for that. The reasoning behind that is they hope the road wouldn't be used for anything other than access to the Conservation Trust lands in the back (lots 4 and 5). The intent would be for access to lot 3 would be a driveway off of the portion of Amity Lane that they abut. Amity Lane is currently served by an 8-10-foot-wide gravel road. It serves the property at Lot 2, in addition to two other properties further down the road from where the subdivision is now.

Member Riemer stated that a 2017 subdivision approval was referenced. Mr. Reedy corrected himself to say that it was a 2017 ANR plan. Member Riemer stated that served, in a pan handle fashion, three dwellings on the same lot that were pre-existing. Going forward, it will be important to know how many dwellings Amity Lane serves. There are currently three dwellings on one lot, but in order to pursue a Rural Roads Alternative, the limit is four dwellings. Member Riemer referenced all the other buildings/dwellings which will potentially be served by Amity Lane. He believes, going forward, it would support an upgrade to Amity Lane. He also pointed out a 20 foot drop right when you turn onto Amity Lane, along with the fact that there is no drainage that he can see. He also asked, for the record, who owned the fee in the road. Mr. Reedy stated that the Schirmer's do.

Moving forward, Member Riemer stated that he looked at the submission requirements for a preliminary plan and stated that they shall include a proposed system with drainage, and he did not see that. Mr. Reedy said that it would be something they would request a waiver from. Member Riemer asked if there was any report from the Board of Health. Town Planner Ribeiro said that the Board of Health chose not to provide comments at this time, though they may at the time of a definitive plan. Public Safety officials also received the plan and did not provide comments. The DPW Director found that it would have no impact on public infrastructure. Town Planner Ribeiro did say that this intensification of use of Amity Lane is a legitimate concern for the Planning Board. Mr. Reedy stated they were looking for waivers for the new Way and asked for the possibility of relief on all of the standards of the road construction where they are adding one lot to a small, rural road that is not very developed at the moment. Chair Greenbaum said it appeared there were some questions about how many dwellings currently exist. Are there indeed three dwellings that Amity Lane is currently serving, or are there more than three?

Member Tosh let the Chair know that she was abstaining from any conversation on this matter because she is a Trustee of the Truro Conservation Trust. She felt that since it was preliminary, she did not have to leave the room. Chair Greenbaum thanked her.

Town Planner Ribeiro noted that they are creating Lot 4, which does have frontage and sufficient lot area, so there is a stated intention for it to be a conservation parcel, but it would be buildable should any deal fall through. Mr. Reedy asked if there were any flexibility as to what they could condition the property as, for value purposes (maintain it as buildable and condition it needs to be sold to the Trust)? Mr. Reedy said that the land loses value, for purposes of any sale. From a perspective of protecting their own value of the property, if the Schirmer's turn the property into an unbuildable lot then they hurt the value. It's not in the best interest for them. Chair Greenbaum said that there were a couple of related issues.

- How many dwellings is the road currently serving?
- How many dwellings might the road serve, given that it's now going to have three buildable lots in the subdivision plus the other two that are already there?
- Is there a way to condition, if indeed there are only four dwellings, so that there doesn't have to be significant upgrade to Amity Lane?

Town Planner Ribeiro stated that if the intent is to create a plan that produces buildable lots, regardless of intention, that would have to be the stance of the Board. He doesn't know if, as part of the valuation, it would factor into the effect of the cost of constructing the way. His advice to the Board would be to consider this as creating two single family residences on Amity Lane, which has three, because ultimately that's what could happen. Chair Greenbaum confirmed that they would be looking at a road serving five dwellings, and then the question would be, could there be any relief from that.

Member Riemer asked, that in looking at Lot 3, where is the frontage that would serve the requirement under a Zoning Bylaw for 150 feet on a road.? Mr. Reedy proposed that the Way would serve as the frontage. Member Riemer does not believe that would be adequate for a building permit. Also, he pointed out that they are proposing a paper Way that's 40 feet wide, that would connect with an 8-10 foot -wide gravel/sand road. Mr. Reedy said that the Way would not service anything other than Conservation Trust land.

Mr. Reedy asked, if instead of asking for a 40 -foot private way, would it be preferable that lots 3 and 4 were addressed as "pan-handle lots", both having 30 feet of required frontage on Amity Lane and doing away with the paper way? Member Riemer stated you needed 150 feet on the street or way. Mr. Reedy then asked, if the way were removed, would that change anything?

Member Sollog stated that the actual number of dwellings needs to be clarified. He also confirmed that what Mr. Reedy is asking for is, what would be possible for them to get buildable lots in the subdivision without having to completely reconstruct Amity Lane. Member Sollog is not personally interested in paving Truro. He thinks the Board would be interested in the road being provided as a useable surface that is somewhat improved. He doesn't know if the Board is allowed to waive the design requirements for a Type B road. Chair Greenbaum asked how many dwellings could be served with a Type B road.

Member Sollog stated it was 5-10 lots. Chair Greenbaum stated that it's critical that it refers to lots and not dwellings. She would like to get the number of lots as well. Member Sollog added that a Type A road requires a 14 -foot actual roadway, while a Type B requires 18 feet. Member Sollog would like to see if they could get a handle on where the Board's feelings lie, as far as road improvement. What does the Board feel would suffice? There is an existing road that's gravel, and 8-10 feet wide, and the requirement for Type B is 18. He asked Member Riemer his opinion on the existing roadway. His opinion is that it's not suitable. From Member Sollog's point of view he thinks the Board would like to see some improvement to the road. Mr. Reedy asked if something the size of a Type A road be reasonable? Member Sollog stated that would be a significant improvement to what is there now. It would not meet the requirements of a Type B road. Member Riemer noted that Amity Lane is not defined, in terms of the property line. He does not see a solid line he sees a dotted line. Mr. Reedy stated it's shows as a dashed line and ends in a cul-de-sac. Member Riemer says it's listed as a 40 -foot right-of-way, but the right-of-way is delineated by a dotted line on the Marsh Lane side rather than a

solid line. Mr. Reedy said the only part that's a solid line is the part that intersects with their property. Mr. Riemer continued. In terms of the valuation of the property to be sold to the Conservation Trust, he sees the coastal bank is on there and asked if there was a 100- foot setback. Mr. Reedy stated it was 150 feet and asked if the Planning Board got a version of the plan which showed the location of wells and septic locations for certain lots. He held it up and pointed out the 150 foot coastal bank setback, the location of the septic and reserve system for Lot 4, a proposed well location for Lot 3, along with the proposed septic and reserve area, and for Lot 2 he pointed out the existing well location and a proposal to move their leech field. Member Riemer asked if that also showed the land for Lot 4 being unbuildable? Mr. Reedy said it could be buildable depending on where the house would be sited. He added that he calculated the amount of upland and it's approximately 60,000 square feet, which means up to a 6-bedroom house could be built there (on Lot 4).

Town Planner Ribeiro read through the Rural Road Alternative and noted that it refers to not more than four dwellings. Member Sollog stated that it appeared the proposal would not fall under the Rural Road Alternative, because there would be more than four dwellings. He also pointed out that the Rural Road Alternative used the word "dwellings" and may have meant "lots". He thinks they should research if that is correct (that it should say dwellings instead of lots). Member Riemer said if they were to create two more buildable lots, out of Lot 2, that would give them five lots serviced by Amity Lane, which would exclude the project from the Rural Road Alternative. Town Planner Ribeiro stated that the intended result is to have four built lots on Amity Lane, and one conservation parcel. It does not necessarily need to be buildable, but for a discount sale and tax purposes (if that is the reason), it would be more valuable.

Town Planner Ribeiro suggested determining a date for a site visit and continuing the hearing to the meeting on the 22nd. Chair Greenbaum said the site visit could be on Tuesday, the 21st, at 2:00pm.

Town Planner Ribeiro asked Mr. Reedy, instead of doing continual time extensions, would he be willing to do an extension through the first meeting for February. Mr. Reedy agreed.

Member Boleyn made a motion in the matter of 2019-006/PB-Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer to continue the hearing to February 22nd.

Member Herridge seconded.

So voted; 5-0-1 (Member Tosh abstained), motion carries.

2019-008/PB Nathan A. Nickerson III seeks approval of a 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 4-H Bay View Road and 3 Laura's Way, Truro, MA, Map 39, Parcels 77 and 325. *Request to Withdraw.*

Town Planner Ribeiro explained that town regulations require that the applicant send certified mailings to abutters. That did not happen in a timely fashion so they are withdrawing and will reapply.

Member Herridge made a motion in the matter of 2019-009/PB-Nathan A. Nickerson III for approval of a Definitive Subdivision Plan of Land, to grant the applicant's request to withdraw the application without prejudice.

Member Sollog seconded.

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

Board Action/Review

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.

Town Planner Ribeiro would like to keep this as a standing item. It looks like a peer review report will be back some time in February. Because of that timeframe, he expects to continue the next hearing, and not hold a substantive hearing on the 16th. Member Riemer recalls the last time they dealt with a large development (within the Seashore) was proposed it required a DEP permit for their wastewater. He would like to review some of the requirements. The Board has stated they recognize the importance of nitrates in the groundwater, and how there was a waiver requested from the Board of Health regulations. Under Special Conditions, there is a chart for Effluent Limits. He knows the developer said he couldn't afford to reduce it under the Cape Cod Commission's report that they judged the limit to be 19 mg/liter but yet the DEP enforces 10 mg/liter. Town Planner Ribeiro asked if he was reading from a discharge water permit. Member Riemer said yes. Town Planner Ribeiro stated those trigger over 10,000 gallons and this project is at 7700 gallons. Member Riemer continued, stating it points towards the issue, the importance, and the recognition of what they need to keep in mind when they are sitting on a sole source aquifer. The Cloverleaf project abuts the Seashore and also Pond Village. Member Herridge included abutters on Highland Road. Member Riemer stated the effluent is to be monitored twice a week. Underground water has no fences and he feels it's important, going forward with monitoring wells to ensure there is no contamination. Member Herridge added that the Cape Cod Commission calculated (based on the number of bedrooms) that the discharge would be 7700 gallons per day. The developer mentioned that the discharge would be 8600 gallons per day at the last Zoning Board of Appeals meeting. He feels that is getting very close to the 10,000 gallon per day limit. If you reach 10,000 gallons per day, there are lots of State regulations that cannot be waived by the ZBA. Town Planner Ribeiro reminded the Board that the State requirement doesn't apply. DEP wouldn't look at this as a discharge permit because it's under the 10,000 gallons per day. The concern is legitimate. Member Sollog would like to reiterate that these figures are all estimates. Chair Greenbaum confirmed that Member Riemer would like the information he read to the Board, along with his points, to be sent to the Zoning Board of Appeals, and Member Riemer said yes. Member Sollog added that they should qualify why they would be adding this. The size of the property differential is enormous. Whether or not the State regulations require this or not, the ZBA should be made aware. Chair Greenbaum added that part of the responsibility of the Planning Board is to continue to provide relevant information to the ZBA in their consideration of this process. Member Herridge doesn't see how anyone can do a proper study of what the water under that site is going to do, by February.

Member Riemer made a motion to submit the Department of Environmental Protection Permit number 955-0, addressed to Wayne Klekamp of AC Mobile Home Park Inc. in regard to Truro A/C Mobile Home Park, 67 South Highland Road.

Member Herridge seconded.

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

Town Planner Ribeiro said he could compose a cover letter, specifically referencing the size of the parcel, and the four pages which Member Riemer cited.

Member Herridge would like to know if the ZBA, and the peer review company, are going to take into consideration all the numbers that Kevin Kuechler has developed from years of being the Chair of the Water Resources Oversight Committee. He does not feel anyone can do an adequate job by February. Some of Mr. Kuechler's numbers will be in an Op Ed in the Banner, which Member Herridge may read into the record for the ZBA. Chair Greenbaum stated that they just heard from Town Planner Ribeiro, who said the next ZBA meeting may not happen. She thinks getting data to the ZBA sooner, rather than later, would be very helpful.

Member Sollog asked if anyone saw the balloon test which occurred two weeks ago. Town Planner Ribeiro stated that photographs were taken from different vantage points and an exhibit will be put together, and be available, in the near future.

Member Herridge has information from his literature search which he'd like Town Planner Ribeiro to give to the ZBA.

Update on Past Work Sessions

Chair Greenbaum stated their next work session would be next Wednesday, January 15th at 2:30 pm. She has almost everyone's priority list. She's aware that Town Meeting is fast approaching. She said that what they have ready for the Warrant, and what they want to get ready will be the topic of conversation at the next work session. Member Riemer stated he had a conversation with Health/Conservation agent Beebe. She relayed to him that the Board of Health is promulgating new Rules and Regulations. She questioned whether the Planning Board was working on a couple items and he doesn't believe they were on their list. Town Planner Ribeiro will get in touch with her.

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

Chair Greenbaum said the subcommittee has been on hiatus due to the loss of Maureen Burgess. Select Board member Weinstein has stepped up to be the second Select Person on the committee. The next meeting will be tomorrow. Knowing that the warrant is opening soon, they are focused on what they can get together for that. Before that, they want to bring their recommendations to the Planning Board and Select Board. She's thinking, at the work session she'd like some feedback on their recommendations for the ADU to make it work better for everyone.

Discussion for setting dates for future Board public workshops.

They will discuss this on the 15th.

Chair Greenbaum stated there was something Member Sollog had mentioned about placing on the agenda as a placeholder. *Potential discussion of potential warrant articles* (or something similar). Town Planner Ribeiro said it was a discussion of potential zoning articles for Town Meeting.

Member Herridge made a motion to adjourn at 7:22 pm.

Member Boleyn seconded.

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

**TOWN OF TRURO
Planning Board
MEETING MINUTES
January 22, 2020
TRURO TOWN HALL**

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

Members Absent: None

Others Present: Town Planner-Jeffrey Ribiero, Paul Millett, Cody Salisbury

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

Public Comment Period:

Seeing as there were no public comments, Chair Greenbaum read a policy from the Select Board called the Policy on Professional Conduct.

Respect and civility from all employees, volunteers, those representing the Town, and those in attendance at any Town function shall be maintained at all times, including, and especially, during public meetings. Public meetings are to be free from disrespect, creating a public embarrassment, and /or personal attacks on any person, whether present or absent from the proceedings. Town officials and employees, as well as the public shall be free to express their ideas, as is their right, without the threat of harassment and/or intimidation. All persons as mentioned shall not be verbally or physically accosted for any reason at any time. While disagreements about issues are acceptable, becoming disagreeable is not.

Temporary Sign Permit Applications

Karen Tosh for one (1) sign, 3' x 10', to be located in front of Accent on Design, Truro Center, 14A Truro Center Road. The sign will be installed on January 23rd and removed February 19th for Special Town Election on February 18th.

Member Tosh recused herself and left the room.

Member Boleyn made a motion to approve the sign for Karen Tosh.

Member Herridge seconded.

So voted; 6-0-1 (Member Tosh abstained), motion carries.

Member Tosh rejoined the Planning Board.

Public Hearing

2019-010/PB-Richard and Cynthia Perry seek approval of an application for an Accessory Dwelling Unit Permit pursuant to Section 40.2 of the Truro Zoning Bylaw. The property is located at 15 Perry Road, Truro, MA, Map 45, Parcel 132.

Town Planner Ribeiro stated he'd missed that the unit had more than 1,000 square feet of gross floor area. The applicants are modifying their plans and will be resubmitting. They have requested a continuance to February 5th, 2020. Member Riemer wished to know who noticed the size issue of the unit. Town Planner Ribeiro stated that Chair Greenbaum had noticed. Member Riemer thinks the size of the ADU should be listed, not left for the Board to calculate. Chair Greenbaum mentioned that the Board would be voting on the new ADU packet later in the meeting, and that would take care of Member Riemer's concern.

Member Sollog made a motion to continue the Public Hearing-2019-010/PB for Richard and Cynthia Perry to the February 5th, 2020 Planning Board meeting.

Member Herridge seconded.

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

2019-011/SPR-Town of Provincetown seeks approval for a proposed Knowles Crossing Water Department Storage Building located at 143 Shore Road, Map 19 and Parcel 1. The proposed project involves the demolition of the existing 2,670 sq. Ft. Wooden Water Chemical Addition Building and the erection of a new 2,970 sq. ft. Water Department Storage Building.

Chair Greenbaum opened the Public Hearing and asked the people before them to give an overview. Cody Salisbury, Provincetown Water Superintendent and Paul Millett, a consulting engineer with Environmental Partners, came before the Board. The existing structure is in poor shape and doesn't meet the needs of their current operation. They are looking to construct a similar sized building, mainly used for vehicle storage as well as distribution parts storage. They would demolish the current structure and build directly behind the current footprint. The current building is 35 feet to the ridge, and the new building will be 25 feet.

Chair Greenbaum wanted to talk about item 3B3-contours. She believed that they mentioned in the cover letter that they were doing one-foot contours. Mr. Millett stated he had a more accurate contouring for the site because of storm water. The land is quite flat, and they want to be sure they get the grade correct. The site plans on the tv screen, and in the packet, show the elevations of a one-foot contour interval. All stormwater is contained on-site. Member Riemer stated it was mentioned that the whole site falls within a zone of contribution, but he didn't see the zones delineated on any of the plans. Mr. Millett said that there are three active wells on the site that they'd received approval from MassDEP, and the Planning Board, back in 2012 for the actual site development. It meets all environmental requirements of environmental protection, and MassDEP. Mr. Salisbury stated the entire site is in zone 2. Member Riemer asked if a report from National Heritage & Endangered Species Program was pending. Mr. Millett let the Board know that they have received a letter back stating that there are no endangered species or issues of concern. Chair Greenbaum said that perhaps getting a copy of the letter could be a condition. Mr. Millett found a copy of the letter and emailed it to Town Planner Ribeiro.

Member Riemer wished to refer to 3C-7. He noted the plan calls for the inclusion of a retaining wall, where there was formerly a fence. The wall is to be three feet high, but when he looked at the grade lines, he wasn't sure that would be adequate. Mr. Millett believes it will be adequate.

Member Sollog stated that at the site visit he brought up the limit of work and referenced an abutter who is concerned. Mr. Millett said they will fully respect the abutter's comments.

Member Sollog would like to discuss 3C-12-Lighting. Mr. Salisbury stated that lighting on the proposed building will be motion activated, and downward facing. The lighting will be on three sides of the building. Member Sollog asked if the treatment plant was lit on all four sides, which Mr. Salisbury confirmed was correct. Member Sollog is proposing that the light on the far side of the treatment plant

could be converted to a motion detecting light, to address some concerns of the abutter. Member Kiernan stated that there was a lighting bylaw which, in essence, stated that the source of the light shall not be seen off of the property. The light will be shielded so when you look down at the property, you see what's being lit up, but you don't see the light itself. Mr. Millett stated that they are using shielded down lighting. Mr. Salisbury confirmed that these lights do not light up the parking lot. Chair Greenbaum noted that the abutter is asking if it's possible (especially on the South and West sides) to adjust the lighting to motion activated on the treatment building. Mr. Salisbury can investigate but does not think the lighting casts beyond their property. He will look into whether they can retrofit the lighting on that side with motion activation. Member Kiernan has seen new lighting setups that do not shut off, but go down in intensity, and pick up in intensity when there is motion involved. That might help satisfy the neighbors. Town Planner Ribeiro stated that with any proposal, they are reviewing any changes (which for this proposal is the new building). Changes to the existing building, as previously approved, is something the applicant can offer to do. It has to be a careful discussion when moving into those areas.

Member Riemer stated that on page G1, #23, it indicates that the plan be acceptable to the Provincetown Department of Public Works. He's curious as to why it says that. Mr. Millett said that remark refers to the construction phase of the project. They obviously need Planning Board approval before constructing.

Member Riemer had questions on page S1.1 a floor drain is shown in the new building. What sort of activities will be included in this building? Mr. Salisbury stated that it's a requirement to have a floor drain for vehicle storage. Member Riemer asked where the drainage was directed to. Mr. Millett said it's directed to a tight tank. Member Herridge asked if the trucks would be fueled inside the building. Both gentlemen answered no. Member Riemer asked if the waste from the lavatory onsite would be directed to the same tight tank? Mr. Millett stated there is one unisex bathroom which is tied into the tight tank configuration. Member Riemer asked if the Board of Health needed to take a second look at this, because of the update. Mr. Salisbury is not sure. The tight tank is already approved. Mr. Millett does not think so. It's there to provide the liberty to wash down a vehicle. If Health Agent Beebe wishes to look at it, they are more than happy to speak to her. Town Planner Ribeiro will touch base with Health Agent Beebe to make sure she's aware of the project. If Board of Health review is required, he's sure that would be caught during the building permit process. It won't hurt to give her a "heads-up". He's not sure it's necessary for the Planning Board to have information on things the Board of Health might review. Member Riemer said that under site plan review, in general, they are supposed to ensure that all Town regulations are enforced. If they had a report from the Board of Health, then they would know. He'll leave it up to the rest of the Board to see if they think it's required. Town Planner Ribeiro stated that it's common language to place in bylaws or decisions, that all approvals must be obtained. He doesn't think it's the duty of the Planning Board to be policing for other boards with their own jurisdictions. They can include it in a decision, but it's why they have a building review process. Member Riemer asked if the new building would improve the traffic flow on-site. Mr. Salisbury stated it would not impact any additional traffic flow. Will it improve traffic flow to the existing facility? He believes it will in terms of the turning radius in the front building. Mr. Millett added that this is a storage building, and the volume of traffic is not going to increase.

Member Riemer asked what the intended use of the second floor would be. Mr. Salisbury stated it's an open mezzanine area for overflow storage. Member Riemer thinks this building should be labeled "for storage only" so that future Boards will see what the building is intended for. Mr. Salisbury informed the Board that it's not intended for anything other than storage.

Member Kiernan has some site-specific questions. Will there be any chemical storage in this new building? Mr. Salisbury stated no. When demolishing the old building, will they be taking it down to the

ground and filling in the existing basement, or will they try to remove the old basement which may be more problematic than just filling it in. Mr. Millett stated they intend to fill it.

Chair Greenbaum moved to the review criteria.

Member Kiernan is looking at the site plan review which occurred in 2012. He'd like to know if all three conditions were met. It was determined all three conditions were indeed met. Member Kiernan would like to include on the checklist;

- Has there been a site plan review? Were there conditions, and have those conditions been met?
- Has a special permit been issued? Were there conditions, and have those conditions been met?

Member Herridge would like to know if they will need to break up the concrete slab, as it's particularly thick, and pour a new one? Mr. Millett stated they would remove everything above ground and fill in everything below ground. The slab will stay.

Member Sollog cautioned; if there is an existing elevator lift, and it's registered with the State, they should apply to have it either removed or abandoned and have that noted by the State. That is so inspectors aren't wandering around, looking for the elevator.

Member Riemer asked if the other members of the Board were satisfied that the new building was compatible with the existing structures on the site. No one had an issue with the compatibility.

Member Kiernan noted that current electricity and telephone service is provided overhead via a pole, but new services to the building will be underground. He asked if the underground service was just for the new building or would they be moving all service underground. It was confirmed that underground service was for the new building only.

Town Planner Ribeiro thinks a lot of the issues identified have been discussed. There is unlikely to be any significant traffic impacts associated with the proposal. There is not a large amount of grading associated with the project but there is some. He thinks it would be reasonable to request that a plan be provided that shows a reasonable limit of work, in addition to having the Provincetown DPW look at it. That could be done via condition, or they could return with a plan for the Board's approval. The lighting is shown on the buildings as motion activated. Detailed specifications for the fixtures themselves have not been provided and is something which could be conditioned for review by staff. The building is set back from the road quite a bit and is minimally visible given the topography. He believes it would be worthwhile, if there is an intent to limit the mezzanine to storage purposes, to condition. Conditions around chemical storage could also be considered.

Member Kiernan asked what color the building would be. Mr. Salisbury stated it would be a green stain with a gray trim. The bottom four feet will have a brick knee-wall to tie into the brick of the other building. He then inquired on what the landscaping would be. Mr. Millett discussed. Member Sollog noted that the side where the grade is would be disturbed. Mr. Millett stated there would be a sandy slope. Member Sollog wanted to be sure it was not the side where the abutter is located. Mr. Millett was able to confirm that the abutter was not on that side.

Member Riemer asked if the Fire Chief was notified of the building. Town Planner Ribeiro told the Board that he'd spoken with the Fire Chief and he was planning on driving to the site to review. He checked his messages and there were no comments from the Fire Chief. Town Planner Ribeiro stated that if the Chief had concerns, he would have heard from him.

Member Herridge made a motion in the matter of 2019-011/SPR-Town of Provincetown to approve with conditions Commercial Site Plan Review for demolition of the existing 2,670 sq ft. Wooden Water Chemical Addition Building and the erection of a new 2,970 sq. Ft. Water Department Storage Building, pursuant to Section 70.3 of the Truro Zoning Bylaw with respect to property at 143 Shore Road in accordance with the plans submitted with this application, subject to the following conditions:

1. Prior to the issuance of a building permit the applicant shall provide a revised plan showing the limit of work for review and approval by Town staff.
2. Prior to the issuance of a building permit the applicant shall provide specifications for the proposed lighting fixtures for review and approval by Town staff. Lighting fixtures shall conform to the requirements of Chapter 4, Section 6 of the General Bylaws of the Town of Truro.

Member Boleyn seconded.

Member Sollog pointed out that the scope of work was already noted on the plan.

Member Herridge revised his motion to remove the condition listed above (Condition #1-pertaining to the limit of work).

Member Boleyn seconded the amended motion.

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

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, 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 February 5, 2020.*

Town Planner Ribeiro stated that the engineer, Mr. O'Reilly, had a conflict tonight that he couldn't move. He has committed to clearing his calendar for the February 5, 2020 meeting. Mr. O'Reilly is also planning a site visit for the afternoon of February 4, 2020.

Member Sollog made a motion to continue the hearing for 2019-006/PB application for Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer requesting approval of a Preliminary Subdivision Plan to the regularly scheduled Planning Board meeting of February 5, 2020.

Member Boleyn seconded.

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

Member Kiernan asked when the site visit would be. Town Planner Ribeiro stated the site visit would be held on February 4, 2020 at 2:30pm.

Chair Greenbaum noted she was closing the Public Hearing on the 2019-011/SPR for the Town of Provincetown.

Chair Greenbaum would like to change the order of items on the agenda and address the "Approve ADU Application and Procedures" next.

Board Action/Review

Approve ADU Application and Procedures

Chair Greenbaum stated that this was reviewed back in October but was never voted on. She'd like to get this approved in order to get it onto the website. Member Kiernan asked if it allows ADUs in the seashore? Chair Greenbaum said it was reflective of the existing bylaw. Member Herridge stated that if it allows ADUs in the Seashore, he cannot vote for it. Chair Greenbaum stated that what they are reviewing is simply an application for the existing bylaw.

Member Tosh made a motion to approve the proposed ADU Application and Procedures packet.

She also hopes they can address all the paper copies of applications. She personally would like all her applications received electronically.

Member Boleyn seconded.

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

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.

Town Planner Ribeiro stated that the last conversation they had revolved around Horton's groundwater discharge permit. He has provided the Board a proposed cover letter for them to review. The other news he had was that the Peer Review for the Zoning Board is not expected to be back until the middle of February. The Zoning Board continued their hearing to their regular February meeting, which is Monday the 24th.

Chair Greenbaum asked if the Peer Review would be posted on the web? Town Planner stated yes. She wished to discuss the letter the Town Planner drafted in response to the issue Member Reimer brought up at their last meeting. The Board agreed the letter was okay with no edits.

Member Kiernan had put together some thoughts for the Board to consider. He read, *"The property is Town owned. The Community Housing Resource, Inc. a privately owned, for-profit, Massachusetts Corporation, would initially be responsible for any environmental problems that should arise from the onsite effluent sewage discharge. Should the current, or any future owner of the proposed development, decide to walk away from any possible future liabilities stemming from this development, will Truro be held financially responsible?"* Chair Greenbaum asked if the Board wanted to put some more discussion of this on their work-session agenda? She added that there is another regular Planning Board meeting scheduled before the next Zoning Board of Appeals meeting. Member Herridge believes the Board should discuss it, and make it be known to the ZBA that this is a concern. Member Kiernan thinks it's worthy of discussion at their workshop, as does Member Sollog. Chair Greenbaum placed this on the agenda for discussion at their next work-session.

Update on past Work Sessions

Chair Greenbaum said they've been focusing on trying to get potential items ready for the warrant, and a discussion on longer term planning. Member Sollog added that they'd discussed some outreach in the community. Chair Greenbaum stated they also worked on prioritizing in terms of some high priority items. She will try to do an actual report for the next Planning Board meeting.

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

Chair Greenbaum said that they have been working their way through, and she referenced the working summary in their packet. They, the subcommittee, has been charged with looking at the existing ADU Bylaw and seeing if they can improve upon it by making it more efficient while still protecting Truro. Each of the subcommittee members wrote down any item about the ADU Bylaw that they felt should be looked at. These items were listed, and then each member answered the question, "How important is it to address this item?" Based on the scores given, they fell into high, medium, and low priority to look at. The subcommittee started looking at the high priority items first and have worked through them to the medium priority items.

The topic of number of copies needed did come up immediately. Chair Greenbaum is hoping they can cut back on the number of copies.

One of the high priority items was, is there a way to standardize the process for ADU applications from properties inside the Seashore. There is much disagreement on what the law is, what the enabling legislation says, and is there a way to simply set up a process where the Board doesn't have to go around and around in the same conversation each time there's an application in the Seashore. What the subcommittee is looking for is reactions/thoughts from the Planning Board on the recommendations.

Member Tosh recommends there being a disclaimer regarding the Seashore that adopts Jonathan Silverstein's suggested language that puts people on notice that their property can be condemned. She doesn't feel the proposed language protects the Town from liability. As for a homeowner's association, there could be one sentence in there that says something like, "In addition, people in a subdivision with homeowner's regulations may not permit ADUs".

Member Sollog would like an explanation on "D", the first bullet. He asked if that meant they were going to approve an ADU without a septic system? Member Tosh read off the language from Jonathan Silverstein. He recommends for any applicant in the Seashore be provided written notice that states; *"Under Section 5D of the Act of August 7, 1961, the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire by condemnation "improved property" that is made the subject of a variance or exception which fails to conform, or is in any way/manner, opposed to, or inconsistent with preservation and development of the Seashore as contemplated in said Act. The Secretary may be consulted at any time by Zoning Authorities or by the owner of "improved property" regarding the effect of a proposed variance or exception upon the status of the affected property with regard to the suspension of the Secretary's authority to condemn. The Secretary, within 60 days of the receipt of a request for such determination or as soon thereafter as is reasonably possible shall advise the owner or Zoning Authorities whether or not the intended use will subject the property to acquisition by condemnation."* Mr. Silverstein also suggested that the permits in the Seashore be conditioned on the applicant providing notice that the permit was issued to the Seashore, subsequent to its issuance.

Member Tosh's comments on Mr. Silverstein's language is that, when she took another look at the Act, all the improved property in the town, when the town adopts an inconsistent zoning bylaw, is potentially subject to condemnation. Member Herridge thinks that if there are ADUs in the Seashore, they should definitely use that language. Member Sollog added that he made a request to Lauren McKean from the Seashore. He received a statement from the Seashore about their feelings, or a possible stand they would take, that the Board could include. What Chair Greenbaum is surmising is that the language they see here is nowhere near strong enough. Member Kiernan says the portion at the top regarding homeowner's associations must be included. He does not want to see the Board approve something that could land the homeowner in court with their homeowner's association.

Chair Greenbaum stated that there were two avenues to take. One is to require something from the applicant, while another is to simply provide information to the applicant. Member Kiernan stated that notification to the homeowner's association would be like notifying abutters. Town Planner Ribeiro said abutters would be receiving written notice. Member Tosh thinks it's better as a recommendation, because it's a private covenant. Member Riemer pointed out that in Section 2.5.9 under Subdivision Control Rules and Regulations the Board does require any new subdivisions to incorporate a homeowner's association. For the Board to ask for information is the Board's responsibility. Member Tosh stated that in terms of an individual property owner in a subdivision she doesn't feel they need to be policing it.

Member Sollog wished to discuss recommendation D. It talks about removing requirement that Board of Health and, if applicable, Conservation Commission and/or ZBA decisions before issuing Planning Board decision. He asked if that meant having a condition? Member Tosh stated that if you issued a

permit you would have to condition it upon all the other Boards approving. Member Sollog thinks that is “cart before the horse”. Town Planner Ribeiro stated that depending upon a particular project it may make more sense for someone to come to the Planning Board first, and then the Conservation Commission second, versus the reverse. What this recommendation does is ensure the Planning Board is always last in the line of reviewing a project. Member Tosh asked if the subcommittee might consider a provision that says that if more than one Board needs to approve, the Town Planner shall determine the sequence? Member Sollog is not convinced these changes will streamline the process, rather they may make it clear. As far as the order of approvals, he imagines the most important is the septic system (from his perspective). Town Planner Ribeiro said that the question came up was why is it important for the Planning Board to always go last? For what reason do you need those approvals for your review under your criteria? Is this necessary since in a lot of ways the Board doesn’t have a lot of ability to argue. Member Kiernan thinks Member Tosh’s suggestion of having the Town Planner determine the order of which Boards the applicant should go to is a good one.

Chair Greenbaum moved forward. As written, she stated, the decision is not appealable. Member Kiernan stated that was a violation of State law. Everyone on the Board agrees to bring that to Town Meeting to have it removed. Member Tosh suggested that they could either remove the language or amend the language to state the applicant can appeal to the ZBA if denied (or another Board) or go to court.

Moving along to parking spaces, the Chair stated some people in the subcommittee felt two parking spaces could be problematic, especially with a small ADU. The thought was for one (1) parking space per ADU, plus one (1) per bedroom. Discussion was had regarding different opinions of Board members. Chair Greenbaum stated that per the current bylaw, a studio ADU, a one-bedroom ADU, and a two-bedroom ADU all require two parking spaces. The draft recommendation would state that a studio ADU would require one parking space, a one-bedroom ADU would require two parking spaces, and a two-bedroom ADU would require three parking spaces. Member Kiernan wished to point out that ADUs are allowed on Beach Point.

Chair Greenbaum stated that the subcommittee had a discussion about amnesty. Amnesty and design standards started to become part of a similar conversation. If a unit already exists, should the application requirements be simpler? The subcommittee is looking at having a couple of different tracks. New construction and additions might be one route, while existing units (and possibly creating an ADU without touching the outside of a building) would be another route, one which would have fewer requirements in terms of what they would have to supply. Member Herridge thinks that’s a good idea.

Chair Greenbaum continued by bringing the Board’s attention to an item for discussion regarding removing the Seashore district from districts where ADUs are allowed. She would like to get some conversation going with the Planning Board. She’s wondering if it makes sense to put an amendment in front of Town Meeting to remove ADUs from the Seashore simply to get the Town to vote very clearly on that. Member Herridge does not feel it’s up to the Town. He then read some enabling legislation for the Seashore. His interpretation is that for the Town of Truro to have a bylaw that permits ADUs in the Seashore puts all property in the Seashore at risk of condemnation. The opinion of Town Counsel is nice, but what matters is the opinion of the Solicitor of the Department of the Interior, because if this is the case, he suspects that primary mortgage lenders will have a serious problem. Member Herridge feels this is a serious problem which the Town needs to look at. He thinks the Board should write to Brian Carlstrom and ask him to request an opinion from the Solicitor of the Department of the Interior. Member Sollog has always taken the position to find out, from the Department of the Interior, what their opinion is. Member Tosh agrees completely that they should get the Solicitor’s opinion. They received that letter from Brian Carlstrom on the Highland Road ADU which basically said the same thing; the Seashore only allows cottages that existed prior to September 1, 1959 and no more can be added.

She feels, even though the letter is clear, the question needs to go up the chain to the legal department for the Department of the Interior. Chair Greenbaum asked if it's possible to get a definitive legal opinion from the Solicitor of the Department of the Interior? She also asked if they want to provide the Town (the voters) the opportunity to make a very clear decision on policy, separate from law, regarding yes or no to ADUs in the Seashore? Member Sollog feels they should get a legal opinion. If they put this to a vote, and the Town says "we want to keep ADUs in the seashore" then they are stuck. The Board agreed that the subcommittee could work on a draft letter to the Seashore.

Member Herridge made a motion to adjourn at 7:30 pm.

Member Sollog seconded.

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

Respectfully Submitted,

Noelle L. Scoullar

TOWN OF TRURO
Planning Board
MEETING MINUTES
February 5, 2020
TRURO TOWN HALL

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

Members Absent: None

Others Present: Town Planner-Jeffrey Ribiero, Paul Asher-Best, John O'Reilly, John Casale, Don Poole, John McElwee, Philip Scholomiti, Chris Lucy

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

Public Comment Period:

Mr. Asher-Best came before the Board. He saw on the agenda for tonight that they will be discussing ADUs and that they have an ADU working group. He has an ADU which is not technically an ADU but is "screaming to be an ADU". He gave some historical information about his property located on Route 6. He has a two-bedroom home and also a two-bedroom habitable studio, which currently houses all of their stuff. He is not interested in being a landlord. In light of the 2018 vote which allows condominiums to apply for year-round status, he would like the Board to revisit their 2017 vote on Accessory Dwelling Units to allow them to become condominiums with an affordable restriction in perpetuity. He could then sell his cottage for an affordable price. Member Tosh stated that she thinks this should be an agenda item and Chair Greenbaum agreed.

Member Riemer would like to have the Board revisit their recusal policy at their next meeting and asked that the topic be added to their next agenda. In addition, he'd like to ask, through the Town Manager, for any information Town Counsel could provide, to guide them in this effort for transparency. He'd also like to know if there are any current opinions Town Counsel may have expressed since they have been Counsel for Truro. Chair Greenbaum, for clarification, would like to know if Member Riemer is asking to look at the recusal process for the Planning Board specifically, or for Boards in general. Member Riemer stated he'd like the Planning Board to have a clear policy, and certainly he'd like to see what the policy is for the Select Board and how that trickles down to other Boards.

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, 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.

Member Tosh announced she would recuse herself and leave the room because of the Truro Conservation Trust having an interest in the matter. John O'Reilly introduced himself as the surveyor for the Schirmer's. He did a recap of the intent of the preliminary subdivision. The Schirmer's have been talking with the Truro Conservation Trust to negotiate the sale of what's noted as Lot 4 and Lot 5 on the plan. Their main goal is to protect the land delineated as Lots 4 and 5 and put it under the care of the Truro Conservation Trust. He has prepared the preliminary plan, taking the one parcel currently approved with one cottage, and dividing it into five lots. Lot 2 has the cottage on it, Lot 3 is a vacant parcel, Lot 4 and 5 is the Western boundary, and the Way (which provides the frontage for both lots 3

and 4). Yesterday Mr. O'Reilly got a real sense of the Board's concern with the road, and the fact that the Schirmer's are asking for all waivers for constructing the Way. He spoke with Joe Schirmer and Mr. Schirmer would like it reiterated to the Board that their main objective is to sell Lots 4 and 5 to the Trust. They have no plans of further development of the cottage on Lot 2, nor build on Lot 3. Having said that, what they are willing to do, if the Board is still concerned about the condition of Amity Lane, the Way, and the viability of the buildability of Lot 4, is they would combine Lots 2 and 3 into one lot which would remove the division line, still propose the Way along with Lots 4 and 5. If the deal with the Truro Conservation Trust falls through, they are also willing to place a restriction on the Definitive Plan that no further division would be proposed without reviewing suitable access with the Planning Board. He'd add a condition that if a building permit were ever pulled for Lot 4, that applicant would need to come before the Planning Board to address providing suitable access to Lot 4.

Member Boleyn thought that Lot 4 was unbuildable. Mr. O'Reilly stated that it has sufficient frontage and lot area. Town Planner Ribeiro stated that there are a lot of environmental constraints. It would be difficult to develop it, but the Board cannot consider those limitations because they are to look at zoning itself. The Board of Health and the Conservation Commission could variance everything and they'd have a lot which you could place a house on.

Member Riemer asked how Lot 4 was delineated on the Plan. Mr. O'Reilly got up and outlined Lot 4 for the Board. Member Riemer asked if you could construct a dwelling within 150 feet of the top of the coastal bank. Mr. O'Reilly stated that with Conservation Commission approval, you could. Chair Greenbaum noted that it looked as though Mr. O'Reilly set up the design of the lot to be buildable even though the intent is never to build on it. Mr. O'Reilly explained that the reason for that was during the negotiations with the Conservation Trust, there is a value associated with Lot 4 and whether there is room for a sewer system. Member Riemer asked that in terms of Title 5 area, that can only include upland? Mr. O'Reilly confirmed that it is generally the upland that is calculated. Mr. Riemer asked how much of Lot 4 was considered upland. Mr. O'Reilly answered, 127 thousand square feet. Town Planner Ribeiro stated that Title 5 requirements do not come under the Planning Board's jurisdiction. It's good background information but it does not directly apply to any of the requirements for the review. Member Herridge stated that Lot 2 and Lot 3 would be combined and asked if the lot lines would be altered. Mr. O'Reilly stated they would just be combined.

Member Kiernan's concerns revolve around safety. As he understands, Amity Lane ends at a turn-around which serves as frontage for the last lot. Mr. O'Reilly stated he was correct. Member Kiernan continued by stating that there was a second lot for which Amity Lane serves as frontage. At the top, there is a section of land that seems to connect Amity Lane with a large piece of property where there are three grandfathered homes. Mr. O'Reilly couldn't confirm the number of homes but stated there were homes there. Member Kiernan asked about a thin sliver of land which runs along Amity Lane. He wished to know if that provided frontage for the big lot in the back. The answer was yes. Member Kiernan asked when Amity Lane was created. He continued by stating that it appears Amity Lane is a paper road that never had any construction. In the future, they could be looking at 4 or maybe 5, 3600 square foot houses with four or five bedrooms in each house, being serviced by what appears to be a line in the sand. He believes the Schirmer family is still responsible for the road. He would hate to see the Planning Board give up their last chance to put some semblance of a road in so that emergency vehicles will be able to access these lots in the future. The Schirmer's are asking to connect a new road to Amity Lane, which was never built. It appears to meet no standards. There is frontage along Amity Lane for three houses in the back, and there is a lot that if they combine together (on the preliminary plan) they could come back in the future and ANR them apart and he wants to be sure that whatever the Planning Board does here remains safe. He's not talking about pavement, he's talking about being able to get safety equipment in there, under adverse conditions. If he's correct, the existing eight-foot wide sand road does not even stay within the legal width of Amity Lane. Member Kiernan also believes

that the lot at the end of Amity Lane was created in the 60s, and the only part of the subdivision shown was the little circle part at the end of the road. The Board never approved, in the 60s, a lane that went out to the highway. What was done, within the deed to the property, was stated that the Schirmer's would create a 40-foot wide Way that would go out to Route 6. In 1990, when the next subdivision plan came in, the Schirmer's came to the Board, and the Board gave approval for the Lane as it exists today (with one side not having a curve to it and the other side being curved, to meet the Bylaw). The turnaround is there specifically for safety. He would like to know if the Schirmer's will bring this up to some sort of minimal standards, because then it would be possible to create another road off of Amity Lane. Without Amity Lane being, in some way, passable, putting another road off of it doesn't seem wise. Mr. O'Reilly stated that the lot they're trying to subdivide was created in 1990. He agrees in regard to the condition of Amity Lane in the sense that if the Trust wasn't involved and they were trying to develop Lot 4, they would expect they'd have to bring Amity Lane up to some sort of standard. In talking with Joe Schirmer, their interest is to sell a portion of their property to the Trust. They are trying to develop the Way in order to facilitate that sale. That is one of the reasons why they are comfortable eliminating the interior line so there is only one lot along Amity, and adding the condition that if there is any future subdivision of the parcel or Lot 4 seeks to obtain a building permit, the applicant at that time would come back to the Planning Board to address the condition of Amity and create the turn-around for the Way. Member Kiernan states that even with combining Lots 2 and 3 that's eligible, right now, for a large dwelling on an unsafe road. Town Planner Ribeiro explained that any development on Lots 2 and 3 would be allowed, to the extent it's allowed on the entire parcel now. He stated that there are conditions proposed which will make it not possible to build a new dwelling unit on these lots without returning to the Planning Board and making improvements to the road. He thinks it's up to the Board, if they are comfortable with those conditions, or they could be more prescriptive in what they want to see. He added that he thought there were some questions about the Rural Roads Alternative. He stated that with Lots 2 and 3 combined there would be four buildable lots and therefore would qualify for the Rural Roads Alternative. Chair Greenbaum stated that the Rural Roads Alternative talks about dwellings served, not dwellings having frontage. She asked Mr. O'Reilly if he knew if the dwellings that have frontage from that back lot actually get onto a road. It was confirmed that their access is not from Amity Lane. Town Planner Ribeiro said that one of the changes proposed (combining Lots 2 and 3) is important because that removes a building lot (when they had five building lots, they would not qualify for the Rural Roads Alternative). Member Kiernan read the Rural Roads Alternative definition and went over items which could be waived. Mr. O'Reilly stated that he's not sure the project will move forward if the road needs to be brought up to some sort of standard. Member Kiernan asked how cheaply Mr. O'Reilly could bring Amity Lane up to any standard. He does not know how to answer that. Mr. Schirmer had, at one point, stated that if the Board wanted something substantial done, he might have an issue with the neighbors located to the South who do not want Amity Lane to be improved. Member Kiernan had another issue he wished to address. The new road that they are looking to create which will provide frontage for Lot 3 and 4 does not meet the Bylaw. Where the two roads meet there is a twenty-foot radius on one side, and no radius on the other side. In order for that to be a buildable road there would have to be a twenty-foot radius unless they were willing to, post creation, go to the ZBA and seek relief from that.

Chair Greenbaum wished to pose something to the Board. She asked, if they were able to come up with something where any building on the combo lot (2/3) or lot 4 (including expanding the cabin) would have to come back to the Planning Board, and if there were some sort of turn around, how would they feel about the proposal?

Mr. O'Reilly thinks the big obstacle for the Schirmer's is the condition of Amity Lane and what the Board may require them to do, today. With regards to the Way, and the 25-foot buffer, he would need to take a look at that and if they got to a definitive process, address that specific comment.

Member Sollog would be in favor of it and wished to know what the view of the land looks like for the last lot on Amity Lane. Town Planner Ribeiro pulled that up on the screen and noted that one thing to keep in mind is that if the Board is talking about requiring some improvements, those would have to be within the layout of the road and right now that drive doesn't follow the road. A turn around and access would have to be in another area (not in the current path). Chair Greenbaum asked if a turn-around happened at the proposed intersection of Amity Lane and Way, would that work for the Board.

Member Kiernan said no, because the bylaw states that the turn around that shall be provided has to be at the end of the road. He then noted that it does provide, within the bylaw, that when you have a narrow road (that would be within the Rural Roads Alternative) that there be turn outs. Chair Greenbaum asked if Member Kiernan if he meant instead of, or in addition to, the turn-around at the end of the road. Member Kiernan clarified that he meant in addition to. Mr. O'Reilly asked if the Board could give him some insight as to whether they will require Amity Lane to be brought up to Rural Roads standards, including the turn-around, and not have it be conditioned on when/if the Conservation Trust falls through and when/if Lot 2/3 is developed. Member Sollog stated that if the Board was deadlocked, the answer becomes no because the opinion of the Board is even right now. From his perspective, it would be likely that the Board would come to a 3 to 3 decision. Mr. O'Reilly is not pushing for a decision. He envisions himself going back to the Schirmer's and he would like to say, "The majority of the Board has given us the opinion that Amity Lane needs to be brought up to Rural Roads standards and we must have a turn-around at the end of the road." If that's where the majority of the Board is going, then he needs to hear that so he can go back to the Schirmer's. Member Kiernan stated that that's what one vote would like to see before creating a new road. Member Sollog said that the Chair can ask for a consensus and find out it sits with the Board. Member Herridge stated that he would agree with Member Kiernan's opinion. Member Boleyn is in favor of upgrading Amity Lane and adding the turnaround at the end of the road. Member Riemer would like to save as many trees as possible (due to global warming) and to work something out to everyone's advantage, but he just doesn't feel like they have that at this point.

Chair Greenbaum asked if there are ways they haven't thought about that might help address the safety concerns, in getting some sort of turn around. Mr. O'Reilly's reaction would be to review this with the Schirmer's, and to walk the road again with the Fire Chief to see what he would need, whether that be a hammer-head turn at the Way or having a requirement of having to go all the way to the bottom. Based on that conversation with the Chief, and if the Schirmer's want to continue, he'd come back with a proposal which would show the type of improvements that would be done to Amity Lane. Town Planner Ribeiro confirmed that they had time extensions through the 19th. Mr. O'Reilly would like to hear from the two other Planning Board members on their opinions about improvements to Amity Lane. Member Riemer wished to point out the General Bylaws; 1-9-13, Public Safety Clearing Guidelines, as they may be applicable to the discussion.

Member Sollog made a motion to continue the hearing 2019-006/PB Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer to date certain February 19th, 2020.

Member Kiernan seconded.

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

***Member Tosh returns to the room and rejoins the Board.**

Public Hearing

2019-010/PB - Richard and Cynthia Perry seek approval of an application for an Accessory Dwelling Unit Permit pursuant to Section 40.2 of the Truro Zoning Bylaw. The property is located at 15 Perry Road, Truro, MA, Map 45, Parcel 132.

John Casale, a builder representing the Perry's, approached the Board. He has Health and Conservation approval. Town Planner Ribeiro stated there were questions about the square footage. They have the 1,000 square foot limit and the original proposal was over that. Chair Greenbaum said that many on the Board redid the calculations and they are still coming up with over 1,000 square feet. Town Planner Ribeiro pulled up the measurements and based upon the definition of Gross Floor Area (excluding the garage and other non-living space), and measuring from the interior walls, he gets an interior space of 25' x 35'4" which comes to 883.3 square feet, along with a 9 x 11 foot bathroom which is another 99 square feet and that brings the total to 982 square feet. Member Kiernan thinks the problem lies in the bylaw. He's been to the site, and it seems reasonably fine within the bylaw. He does have a problem with a parking space being designated within the garage. Chair Greenbaum wished to be sure they were okay with the measurements before discussing the parking space. Town Planner Ribeiro is confident with the calculations that they are under the 1,000 square foot limit. He suggested including, in the decision, that the applicant provide a plan with interior dimensions to the Building Commissioner so that he can verify that it's under 1,000 square feet.

Member Kiernan continued, stating he's somewhat uncomfortable with saying that there is a parking space inside, but being familiar with the property he knows there is more than enough room for another parking space outside.

Member Sollog moved in the matter of 2019-010/PB-Richard and Cynthia Perry to approve, with conditions, a permit for an Accessory Dwelling Unit, pursuant to Section 40.2 of the Truro Zoning Bylaw with respect to property located at 15 Perry Road, in accordance with the plans submitted in this application subject to the following conditions:

- 1. Once an ADU has been added to a dwelling structure, or lot, the ADU shall not be enlarged beyond the square footage specified in the permit granted pursuant to Section 40.2 of the Truro Zoning Bylaw without first obtaining a subsequent permit from the Planning Board and in no case shall an ADU be permitted to exceed the square footage allowed by Section 40.2 of the Truro Zoning Bylaw.**
- 2. The principal dwelling and ADU and lot in which they are located shall remain in common ownership, and shall not be severed in ownership, including that the lot, buildings, or units thereon shall not be placed in a condominium form of ownership.**
- 3. Either the ADU, or the principal dwelling on a lot with an ADU, must be leased for a term of at least twelve months. Rental of said unit for a period of less than twelve months (including, but not limited to seasonal renting and renting through vacation rental services and websites) is prohibited. Proof of year-round rental shall be provided annually to the Building Commissioner in the form of a lease, and a signed affidavit from both the owner and renter stating the unit is being rented accordingly and is used as a primary residence.**
- 4. The ADU shall be inspected annually, or as frequently as deemed necessary, by the Health and Building Departments for compliance with public safety and public health codes. The owner of the property shall be responsible for scheduling such inspections and shall pay any applicable inspection fees.**
- 5. Prior to issuance of a building permit, the applicant shall provide a floor plan showing all interior dimensions and wall thicknesses to the Building Commissioner so as to verify the ADU has a gross floor area as defined under the bylaw as less than 1,000 square feet.**

Member Boleyn added that a house number should be affixed to the house.

Member Herridge seconded.

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

Chair Greenbaum closed the public hearing.

Board Action/Review

2020-001/SPR - Ethan Poulin seeks Waiver of Commercial Site Plan Review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro, MA, Map 36, Parcel 201.

Town Planner Ribeiro stated that Mr. Poulin was unable to attend the meeting tonight and has asked to postpone the matter to the next meeting.

Member Herridge made a motion to continue case 2020-001/SPR to the regularly scheduled meeting of February 19, 2020.

Member Kiernan seconded.

Member Riemer asked if there was a site plan on record? Town Planner Ribeiro stated that the Board had what was provided by the applicant. He can follow up with Mr. Poulin if the Board wishes to have something more detailed. Member Riemer would appreciate him doing so. Member Boleyn states that the application is incomplete as it is not properly executed with signatures. Town Planner Ribeiro shall follow up with that as well. Member Riemer noticed that the application was not dated, or time stamped and wanted to know why not. Town Planner Ribeiro said that for some reason Member Riemer did not get the correct application and will be sure he gets a dated/stamped one. Member Boleyn noticed that the disposal declaration does not list the address of the disposal area. Town Planner Ribeiro and Member Tosh noted that it's listed on the express building permit.

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

2020-002/PB - Marilyn and Richard Haviland, Trustees of the Marilyn Haviland Revocable Living Trust seek approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 5 Kestral Lane, Truro, MA, Map 39, Parcel 241.

Don Poole with Outermost Land Survey approached the Board. He represents the Haviland's/Shearwater Homeowner's Association. This is a plan where the owners of lot 94 Kestral Lane have agreed to convey their ownership of the fee, of Kestral Lane, to the Association. This has been done other times in the past twenty years. He explained that in purchasing this lot, it includes the fee to the center line in the road. The area, in frontage, is for the body of the lot but the fee in the road remains separate to lot 94. The Association is desirous of owning all the fees in the roads and has negotiated with the owners to buy those individual fees. This creates the lot 112, fee interest in Kestral Lane, for lot 94. Chair Greenbaum summarized, stating this creates a lot, that's the fee in the road, to transfer it to the homeowner's association.

Member Riemer asked what the original square footage of this lot was. Mr. Poole stated the square footage of the lot is 35,302 square feet, that does not include the fee and the Way because it's a right of way and buildable upland does not include fees and right of ways. Member Kiernan asked that this newly created lot was never a part of Lot 94? Mr. Poole said that Lot 94 owns the fee to the center line of Kestral Lane. The area for Lot 94 does not include that fee interest in Kestral Lane for buildable upland. Member Kiernan confirmed that the 35,302 square feet never included the 3,268 square feet. Mr. Pool said that was correct. To make it easier to understand, Town Planner Ribeiro explained that they are creating a lot out of the portion of the road that this person owns so that they can then transfer that portion to the Association.

Member Sollog made a motion to endorse the Approval Not Required Plan for Marilyn and Richard Haviland-2020-02/PB.

Member Boleyn seconded.

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

2020-003/PB - Keith E. Kodat and Ellen E. Conklin seek approval of Form A – Application for Determination that Plan Does Not Require Approval (ANR) pursuant to Section 2.2 of the Town of Truro Rules and Regulations Governing the Subdivision of Land with respect to property at 3 and 5 Souzas Way, Map 46, Parcels 97 and 105.

John McElwee from Coastal Engineering approached the Board. He has prepared a plan where they are rearranging the lot line between two lots. Each of the lots has a dwelling. Member Kiernan asked if both lots were in common ownership. Mr. McElwee stated that Keith Kodat is the owner listed for 3 Souzas Way and Ellen Conklin is the owner listed for 5 Souzas Way. He believes they are married, and both have signed the application.

Member Tosh made a motion to endorse the Approval Not Required Plan for Keith Kodat and Ellen Conklin-2020-003/PB.

Member Herridge seconded.

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

2020-004/PB - Donna M. Turley 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 7 Turnbuckle Way, Map 43, Parcel 105.

Philip Scholomiti from Ryder & Wilcox approached the Board. He explained that the property is situated at the end of Turnbuckle Way, zoned residential, and the plan is for conveyancing purposes. The plan divides an existing lot into two lots; 2A and 2B. Member Kiernan asked if all the construction taking place is happening on the abutting lot that's going to get this new piece of property. Mr. Scholomiti stated yes.

Member Tosh made a motion to approve Plan of Land as prepared for Donna M. Turley, dated 1.22.2020, Approval Not Required.

Member Herridge seconded.

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

Discussion of potential amendments to the Zoning Bylaw for the 2020 Annual Town Meeting.

Chair Greenbaum explained that Town Planner Ribeiro put together all the conversations had at work sessions and the draft bylaws. She would like to talk about timing. Town Planner Ribeiro stated that the ADU Subcommittee is going to be meeting tomorrow. The timeline he thinks makes the most sense, that allows them to have the hearing before the Warrant closes, would be to meet next Wednesday during which they could vote to send the Zoning Bylaws to the Select Board. They could then "pre-notice" the hearing and send to the Banner the following day, and also the Cape Cod Times in order to give them the 14 days. The hearing would be posted in the Banner on the 20th and 27th. The Board could then hold their hearing on the 4th and finalize their report to the Select Board for the March 10th meeting, where they intend to close the Warrant.

The other item they've been working on is the General Bylaw amendment. It does not have to have a hearing. If they can work on that and have it ready to go at their next regular meeting scheduled for the 19th that would be preferable. He could get it to the Select Board on the 25th for consideration on the Warrant. Chair Greenbaum would like them to review the non-ADU items.

Food Truck- Member Kiernan had some questions about the use table. He noted it's permitted in every area in Town. The current location of food trucks, and ones currently proposed, would be on Beach Point, North Truro, the possibility of Truro Center (with the Ag Fair), North Truro Center with Chequessett. If it's allowed in the residential zone, anyone can apply for something in their front yard and leave it open all summer. He'd like to mention that at Truro Vineyards, where there has successfully been one food truck, that's a pre-existing, non-conforming use within the residential zone. By limiting it to pre-existing, non-conforming commercial uses within the residential zone they don't have everyone applying. He asked if there should be different types of permits? For example; the Church wants to run a festival, so they get a permit for a week. Perhaps they can place a number to the table, stating that food trucks would be allowed in the residential zone ONLY in pre-existing, non-conforming commercial uses. Member Herridge stated that the Select Board will be licensing these and presumably could curtail an abuse of that kind. Discussion was had regarding using this language. A suggestion was made to make it a special permit. Chair Greenbaum stated that the Board had talked themselves out of doing special permits is that it would require the applicant to come to them (the Planning Board), as well as to the Select Board. She said it seems like the Board likes the condition, so the question is wording. She asked the Town Planner to bring both options to the work session.

Off-street parking- Chair Greenbaum stated that this is an attempt to deal with some conflicting or aggregating parking requirements, especially for establishments with more than one purpose; a deli which also sells groceries. This adds the Zoning Board of Appeals, by Special Permit, as a way for a person to get a waiver if they don't need to do a Site Plan Review.

Accessory Dwelling Unit-findings of the Planning Board-Currently the permit decision is not appealable. The sub-committee would like more guidance for what makes the most sense. Member Herridge stated it's improper to have a decision by a regulatory board not appealable. Member Kiernan stated it is illegal. He continued by saying they'd have to eliminate the portion that states the permit decision is not appealable. It automatically defaults to MA General Law 40A, subsection 17, which states if you have a problem with the Board's decision you take it to court. Member Tosh favors having the interim appeal to the Zoning Board of Appeals because an applicant could appeal to the ZBA without a lawyer. If the ZBA then denied the permit, under denied relief, then there would be the ability to go to court. Chris Lucy approached the Board. He stated that this went to Legal two or three times and that issue was never noticed. Reading through the General Laws of what a special permit is, it is stated that a special permit would be granted for activities that aren't generally allowed in a particular zone. This isn't a special permit. When you then go to Section 17 it speaks specifically to special permits. This is a permit granted by the Planning Board. If you look through the ADU process, the Planning Board is just collecting the plans and making sure all is in order. They are not making decisions on the style of the building, or decisions on anything else other than the packet is complete. There are only 3 ways the Planning Board can deny the plan; 1-it's incomplete, 2-if there's an impasse on something the Board would like to see on the plan, 3-it doesn't meet the bylaw. This is not a special permit. Mr. Lucy would like to see this not change, or at least get more specific information from Counsel. Town Planner Ribeiro stated that he spoke with Jonathan Silverstein (Town Counsel) about this. Counsel agreed that there is a legal route of appeal. This ADU permit isn't referenced in the Zoning Act anywhere and the courts have decided that it can still be appealed under Section 17 so alternate kinds of zoning permits (outside of special permits) can also be appealed.

Member Tosh asked Mr. Lucy if he would be interested in clarifying the ability of the applicant to appeal a denial? Mr. Lucy stated that applicants would not appeal, they would just reapply. Member Tosh referenced a particular ADU in which the applicant had to go to court to have conditions reversed. If that applicant could have gone to the Zoning Board of Appeals instead of filing a lawsuit and spending money, that's the type of circumstance she's referencing. Mr. Lucy stated that legal counsel could give them a better understanding. Town Planner Ribeiro thinks ultimately, the way to have these things not

appealable is to have them be by right. He agrees that there are a limited amount of circumstances on which the Planning Board can deny and he thinks there could be opportunities to discuss ways to ensure that these things happen, while making it by right. He also feels this will not be ready for the upcoming Town Meeting. One option could be to leave it as-is for now and continue the discussions and moving forward. Member Tosh, after listening to Mr. Lucy and Town Planner Ribeiro, agrees that leaving things as-is for now is a good option. Member Reimer stated that any applicant has the opportunity to withdraw, and then reapply, acknowledging what the issues were. That would avoid the Planning Board having to vote to deny. Member Kiernan asked if Town Planner Ribeiro could help the Board with some legal definitions. What is the difference between a Permit and a Special Permit? Town Planner will bring that to their next meeting. Member Kiernan would also like a copy of whatever letters Jonathan Silverstein has done around the review of the ADU, to see his thinking.

The next item Chair Greenbaum brought up was cutting down the amount of copies. The Board had agreed to an original, 9 copies, and a digital copy. She asked if the Board was still okay with that, and they were.

The last item to review was something Town Planner Ribeiro picked up on was on the topic of waiving Commercial Site Plan Review when the alteration or reconstruction of a building or structure won't have a significant impact. They would allow that to include a new building.

The items regarding a potential proposal to amend the Truro General Bylaws to regulate the filling of land, and the discussion of high priority goals will be discussed at their work session next Wednesday. The discussion of contacting US Department of the Interior regarding ADUs will also be pushed to the work session for next Wednesday.

Chair Greenbaum asked Town Planner Ribeiro if there were any updates on the Cloverleaf, and when the peer review could be expected? He replied that he is still tracking for the middle of February.

Update on past Work Sessions-Chair Greenbaum stated they have been working on the articles.

Update by Planning Board/Select Board ADU Ad Hoc Subcommittee on their Work Sessions-Chair Greenbaum stated that the Committee is meeting at the Library tomorrow.

Discussion of dates for future Board public workshops-Chair Greenbaum noted that the next work session is scheduled for next Wednesday, February 12th at 2:30pm.

Member Herridge made a motion to adjourn at 7:31pm.

Member Kiernan seconded.

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

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
Planning Board
MEETING MINUTES
February 19, 2020
TRURO TOWN HALL**

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

Members Absent: Karen Tosh, Peter Herridge

Others Present: Town Planner-Jeffrey Ribeiro, Ethan Poulin

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

Public Comment Period: No public comments.

Public Hearing

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.

Town Planner Ribeiro stated that Mr. Nickerson requested to continue. He was concerned that there was a chance, based upon the election, that the Planning Board would be down to six members and they wanted to make sure they had a full complement of the Board for review of the project. Mr. Nickerson has requested to continue the hearing to the March 4, 2020 meeting. The Board of Health reviewed the project last night, he expects written comments by the end of the week, and he'll make sure to send that to the Board members. Based on discussion had with Health Agent Beebe, the comments are relatively minimal. There are some comments primarily on storm water, but there were no significant concerns from the Board of Health's jurisdiction and perspective. Chair Greenbaum mentioned that a letter was sent to her. She wished to know when it should be read aloud. Town Planner Ribeiro stated that would be for the substantive hearing. Member Kiernan noted that the Nickerson's are looking to speak with the Fire Chief. Sometimes when applicants come in, they wish to talk with the Police Chief. He'd like to know what standing does the opinion of the Police Chief, and the opinion of the Fire Chief, have within their (the Planning Board's) review of a subdivision. Town Planner Ribeiro stated that it's pretty much advisory. He believes the Board of Health is binding, under the Subdivision Control Act, as far as conditions imposed. It's really their input that is some of the most valuable input the Board gets for subdivision review. Based on his conversation, the Fire Chief generally felt that they should be abiding by the roadway standards whenever possible to ensure safe routing for his vehicles and emergency access. Member Kiernan would like to inform the Board that in his 27 years of familiarity with the Planning Board the Police Chief and the Fire Chief are always informed when asked their opinion. Only once in 27 years did the Fire Chief, after he'd approved a road, come back to the Board and say, no, you shouldn't drive on it after he got a vehicle stuck in a particular road. Member Kiernan has found that when you ask some of the officials in Town that aren't familiar with subdivision rules and regulations, they sometimes send the Board a form letter. Sometimes it is of questionable help in making the Board formulate whether something is actually safe or not. Chair Greenbaum stated that may be an additional question for both Chiefs. When deriving an opinion from them, perhaps they should ask if they have driven/or been on the road.

Member Riemer, regarding abutters to this proposal, would like to know if they will be given information as to what happens after tonight? In case they would like to appear for the next meeting, will they be contacted somehow? Town Planner Ribeiro stated that abutters do not receive subsequent notice, but there is a very active group in this neighborhood that are getting word around about the proceedings. He's been in touch with them. Member Riemer would like abutters to be reminded that they can also send an email or a letter to be read into the record. Town Planner Ribeiro stated, "yes". Chair Greenbaum asked why abutters do not get notice of the continuance? Town Planner Ribeiro said that the requirement is to notice the hearing (the opening of the hearing). The idea is that people will be aware of that and will follow along. It is publicized at the meeting when the continuance will be. From a practical perspective, the Board would never be able to continue to the next meeting if they had to re-notice, because it takes more than two weeks to get notice published and sent. He also feels it's important to be consistent in how they handle cases. He thinks there are certain circumstances in which they may informally let folks who've been engaged, about whether or not a case is going to be continued. To make it a policy would be very difficult.

Member Kiernan made a motion to continue the Public Hearing for case 2020/001-Nathan A. Nickerson III requesting approval of a Definitive Subdivision Plan of Land, to the regularly scheduled Planning Board meeting of March 4, 2020.

Member Boleyn seconded.

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

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.

Town Planner Ribeiro reminded the Board that where they left off at the last meeting was to get the Fire Chief out to the property to meet with the Engineer, and himself. With the holidays, he is still trying to get this scheduled either this week or next week so that the Board can discuss at the March 4th meeting. Member Kiernan wished to know if the Board would be having a site visit before the March 4th meeting, and how/when/where would they know? Chair Greenbaum clarified that this question was in regard to the first Public Hearing, 2020-001/PB – Nathan A. Nickerson III. Town Planner Ribeiro stated they could discuss at the end of the meeting. His expectation was to conduct the site visit on March 3, 2020, at 2:30 pm. He added that the site visit for 2019-006/PB, Schirmer, was already done.

Member Kiernan made a motion to continue the Public Hearing for case 2019-006/PB application by Abigail B. Schirmer, Audrey Schirmer, and Joseph M. Schirmer requesting approval of a Preliminary Subdivision Plan for the regularly scheduled Planning Board meeting of March 4, 2020.

Member Sollog seconded.

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

Board Action/Review

2020-001/SPR – Ethan Poulin seeks Waiver of Commercial Site Plan Review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro, MA, Map 36, Parcel 201.

Ethan Poulin approached the Board. He currently has a shed on the property. He would like to remove that one and erect a bigger, newer one in its place. Town Planner Ribeiro stated this is an issue with the bylaw which he's trying to clear up. There are changes in the Zoning Bylaw, proposed for Town Meeting that address the "existing structures" in the Site Plan Review Waiver section. He believes there are no significant impacts from Mr. Poulin's proposal. It's really an issue of that language in the bylaw, and hopefully they'll address that at the Town Meeting.

Member Kiernan told Mr. Poulin that the problem lies within the wording of their bylaw, not with him. The letter Mr. Poulin attached to his application states that Mr. Poulin wishes to replace his old shed with a new one, and that fits within the current wording of the bylaw. Member Kiernan does not see a problem with that. Town Planner Ribeiro apologized and said that what Mr. Poulin wanted to do could be considered the reconstruction of an existing shed. Member Boleyn asked for the size of the shed. Mr. Poulin stated it was 10 x 20. Member Kiernan asked if there would be a bathroom, to which Mr. Poulin stated no. Member Riemer pointed out that some of the confusion came from the application, in which Mr. Poulin wrote that he was installing a garden shed, not replacing one. He also asked what the shed would be used for. Mr. Poulin explained that it would be for bags of concrete, a small compactor, and tools. Member Riemer finds that this proposal does not have a substantial impact on the business district or the adjoining residential district.

Member Kiernan made a motion in the matter of 2020-001/SPR site plan review for Ethan Poulin to approve the request for a waiver of site plan review pursuant to Section 70.9 of the Truro Zoning Bylaw for the installation of a garden shed at the existing commercial property located at 5 Highland Road, North Truro, MA.

Member Boleyn seconded.

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

Chair Greenbaum mentioned that the Board is trying to clean up the confusion of the bylaw at Town Meeting. There will be an article at Town Meeting that adds new buildings to this article to make it very clear.

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.

Chair Greenbaum asked if there were any updates. Town Planner Ribeiro said he was hoping to have the Peer Review this week. The applicant had to make some changes to grading, necessitated by the ongoing discussions with State fire officials. The drive will now be fully compliant with the State fire requirements. The Peer Review is being held off until Horsley Witten can view the modified plans, and he is expecting that by the end of next week. The Zoning Board's hearing, set for February 24th, will be continued. Town Planner Ribeiro is trying to get an exact date but is looking at March 12th. Chair Greenbaum asked if it's possible, given the degree of interest, to announce ahead of time that the hearing will be delayed? Town Planner Ribeiro stated that this was a good opportunity to state it on tv, and he would update the Cloverleaf website.

Member Riemer had a general question about affordable housing for the Town Planner. He's come across a term called local initiative unit and local initiative program and asked if the Town Planner was familiar with it. Town Planner Ribeiro explained that the LIP program is a process primarily to get units created in certain partnerships with local communities onto the subsidized housing inventory. Here, those are going to be federally subsidized units created through, at least in part, the low-income tax credit program. They will qualify for the subsidized housing inventory. With rental projects, as an incentive to towns to allow rental projects and not home ownership, all units within the development will qualify as SHI eligible units even those that are at higher income levels. He does not think the Cloverleaf project is technically a LIP project. Chair Greenbaum added that as they move forward and

look at more housing (and housing in general) she thinks there are a lot of things that the Board should explore. Town Planner Ribeiro said that the LIP guidelines can be onerous. They require that if you are creating an affordable housing unit it has to be 700 square feet. Member Reimer thought this might be something that would work in Truro.

Member Kiernan stated that one of the big problems in Truro is that people have to upgrade their septic system, to the tune of tens of thousands of dollars in some cases, in order to put in an affordable or accessory apartment. He asked if there are State programs that will help people with their septic? Town Planner Ribeiro explained that he'd been discussing this with the Health Agent. He would like to get it in writing, however it's his understanding that the County Septic Loan Program will be available for people who want to do accessory dwelling units. He will confirm that. Member Kiernan wished to clarify for people listening and asked if this was a grant, or a low-interest or no-interest loan? The Town Planner believes it is a low-interest loan.

Discussion and potential vote on article amending General Bylaws addressing Clean Fill.

Chair Greenbaum asked the Town Planner if the article would need to go to the Select Board, and then be sent back to the Planning Board and if so, do they have time because it does not require a public hearing? Town Planner Ribeiro said that there is time. The Board will be holding a workshop next Wednesday where hopefully they can wrap up going over it. The Select Board does have a policy of not taking votes at work sessions, so the Planning Board should post their meeting as a public meeting. He will double-check to be sure they can wait until the 4th to provide the final language. The Select Board will formally close the warrant on the 10th. If the Planning Board can pin down a proposal, they should get it over to Town Counsel for them to look at it, along with the Health/Conservation Agent, Emily Beebe. Member Kiernan would like to be sure that Health/Conservation Agent Beebe gets a copy of the article as soon as possible so that they will have her comments for the meeting on the 4th.

Chair Greenbaum confirmed the date for the workshop for next Wednesday, the 4th, and on the agenda would be the article amending General Bylaws addressing Clean Fill. She also informed the Board that she met with Kevin Grunwald, the Chair of the Truro Housing Authority. The day after they met, the Housing Authority had their meeting. They thought the concept of the Housing Authority having a joint work session with the Planning Board to talk about pro-actively getting the community engaged in thinking broadly about housing and providing, at the end of the process, some good guidance to the Planning Board for zoning, was a great idea. The Housing Authority would love to do a work session to get things started, even before Town Meeting.

Approval of Minutes July 24, 2019

Member Kiernan made a motion to approve the minutes as amended.

Member Sollog seconded.

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

Member Riemer asked if minutes approved are then posted on the website the next day? Town Planner Ribeiro was not sure but would find out. He believes amendments are done on Thursday, after which they go to the Clerk and then are posted. Member Riemer wished to make the point that the minutes were from July 24th, and asked when they are posted will a member of the public get an alert, or will they just go into the archives? Town Planner Ribeiro believes that if a citizen was looking for these minutes, they would have been bumped to the top of the pile. He is sure that if there was an inquiry,

the staff downstairs is aware and would be on it. Member Riemer stated that up to date minutes are important and if they are just archived, there should be a way to alert citizens that they are uploaded. Town Planner Ribeiro was not sure and will ask.

Chair Greenbaum stated that the next meeting would be held on Wednesday, March 4, 2020 at 5:00 pm. Town Planner Ribeiro added that their work session would be held next Wednesday at 2:30 pm, and a site visit was scheduled for the Nickerson subdivision on Tuesday, March 3, 2020 at 2:30 pm.

Member Sollog made a motion to adjourn at 5:53 pm.

Member Riemer seconded.

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

**Respectfully Submitted,
Noelle L. Scoullar**

**TOWN OF TRURO
PLANNING BOARD**
Work Session Minutes
February 26, 2020 – 2:30 pm
Truro Town Hall

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

Members Absent: None

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner; Martha Nagy

Chair Greenbaum asked if there was any public comment. Martha Nagy stated not at this time.

Member Kiernan thanked one of the members for providing a Charter Review Committee history commencing June 6, 2019 specifically regarding comments to whether the Planning Board should be appointed or elected. This packet has their agendas, goals and objectives of the Selectmen, and emails that went back and forth between the members of this Board and the Chairman of the other Board as well as two emails that were between members of the public and the Chairman's response to the public.

Member Kiernan stated that also within the 20-page handout was the November 1st Charter Review Committee agenda, a copy of the email where previous emails were corrected by the Chair of the Charter Review Committee, their current directive from the Selectmen that was updated on January 14, and a copy of Memorandum 54. Town Planner Ribeiro stated that, before going further, this wasn't on the agenda so potentially there are opportunities to discuss matters not reasonably anticipated more than 48 hours by the Chair. Member Kiernan suggested that the Board should have these copies for discussion at a later time. Chair Greenbaum agreed that discussion should take place at a later time and after review of the packet.

Chair Greenbaum addressed the first agenda item of clean fill. Member Kiernan put together a packet of information regarding major issues for the Board which was distributed. Chair Greenbaum stated she thought this should not go on the upcoming Town Meeting because they haven't met with the developers, contractors, landscapers, etc., for input yet and also that there is no public hearing required. The Board discussed whether this article for a Bylaw change should go before Town Meeting now or wait until a later date until they have more feedback. Also, in that discussion were the topics of unclean fill, pollutants – what is or isn't a pollutant (Truro Board of Health and Massachusetts CMR to be reviewed), lead, nitrogen, where and how fill is obtained. Member Tosh suggested that the Board start working on this item soon even if it is pulled from the Warrant. Chair Greenbaum also stated that they need to be clear on the intent of the Bylaw and what it is they are trying to accomplish. Town Planner Ribeiro also suggested for discussion: regulations/permits, what mechanisms should be in place for verification, and exact standards. Town Planner Ribeiro referred the Board to a previous packet he distributed that contained

examples of earth filling bylaws, however they are more complex, but the content should be considered for discussion. Chair Greenbaum suggested the Building Commissioner attend the next workshop to talk about this. Member Herridge also suggested they speak to someone who actually owns a business and who knows the logistics of getting clean fill, using it, where to get it.

Member Kiernan stated his thoughts on the process and trying to keep it simple by referencing Board of Health regulations and Massachusetts Drinking Water regulations which are already in place. He believes that if this process is discussed the public will become more aware of what could possibly be contained in clean fill. Member Riemer mentioned that this could also benefit the homeowner in that substandard fill would not be allowed by the Town. Chair Greenbaum and the Board further discussed the process issue and the content. Town Planner Ribeiro reviewed the timeline necessary for this matter to go before the Select Board and Town Counsel before going to Town Meeting, whether this change was specific enough, and if this was something that could be enforced and who would enforce it. Member Kiernan referenced the Soil Removal Bylaw and what currently exists. Chair Greenbaum suggested the possibility of a permit process. Town Planner Ribeiro referenced prior handouts that should be reviewed for information regarding how other towns handled this process. Chair Greenbaum and the Board will work on this issue with the possibility of having it ready for a special Town Meeting in the fall if there is one, as major issues have already been identified. Member Kiernan suggested they submit their list to the Select Board and get their feedback. Chair Greenbaum stated she would speak with the Select Board Chair regarding this concept.

Chair Greenbaum stated she received a link from Member Riemer regarding the Citizen Planner Training Collaborative Conference; Town Planner Ribeiro provided the conference information in the Board's packets. Chair Greenbaum stated that she would be attending. Town Planner Ribeiro stated that it is March 21 in Worcester and talked about some of the presenters and topics of interest to the Planning Board, which were then discussed.

Chair Greenbaum and Town Planner Ribeiro had previously discussed calendar information – looking at hearings, continuing hearings, trying to set a date with the Truro Housing Authority for a joint work session. The Board reviewed their schedules for meeting availability leading up to time of Town Meeting. Proposed dates to the Housing Authority for a joint work session will be April 13, April 16, and April 17. Member Riemer asked Chair Greenbaum to inform the Board of CDP's peer group sessions, which are done a couple of times per year, and she stated the topic this year is ADU's. The session will be March 3 at The Commons in Provincetown, which she and Member Riemer will attend. They will report back to the Board after attendance.

Town Planner Ribeiro had submitted questions and thoughts to the Board regarding housing planning. Chair Greenbaum stated she wanted to discuss next steps and brainstorm several different questions so it will all be together to work from. The questions/thoughts from Town Planner Ribeiro were put up on the screen for discussion; Board Members were asked to use Post-It Notes for each thought:

1. What are your concerns about development, including housing development, in Truro? (i.e. wishes and worries)
 - Housing for housing sake not specific – what are the specific housing needs

- Another 40B project
- Large housing developments
- Infrastructure – water issues, sewer
- Current well water/wastewater study
- Taxes
- Preserve rural feel that keeps desirability and value
- Loss of local control
- Identify most important natural habitats
- Cost of land (approaching buildout)
- How much existing land should remain open space
- Jobs v affordability

2. What questions would you like answered about housing and development? What information do you think we need?

- Water study
- Breakdown of the population growth
- Housing needs (specific data): seniors downsizing, young families
- Access to healthcare services
- Impact of aging on housing
- Inclusionary zoning/building permits (rehab)
- Creative zoning options
- Is more housing the answer
- Cost of municipal water system (drinking water)
- Effect of municipal sewage on taxes
- How is water quality changing
- What water amount is available
- What kind of affordable, workforce, housing does Truro actually need; an honest and objective housing assessment
- Need a macro view of the Town – what is the planning goal for this Town
- Good comprehensive data on existing housing stock
- What jobs are available – assessment of year-round jobs

3. What questions do you think we should be asking the community?

- Need a macro view of the Town – what is the planning goal for this Town
- What do people of Truro want Truro to look like
- Sustainable year-round community
- Seasonal
- What is the effect of housing – no more housing, solutions, character – to what degree can you address these issues
- Cape development
- 40B/Safe Harbor – understanding it
- Community feedback on housing – types of housing and who needs housing
- What areas of Town could handle venture housing and what areas should be protected

- Housing crisis/income crisis
- Rental housing v home ownership (building) equity
- Affordable home ownership and home ownership
- Creative funding options
- Creative ownership options

Chair Greenbaum asked if the Board wanted to have a work session two weeks from today. Wednesday, March 11 at 2:30 pm was decided upon.

Town Planner Ribeiro stated that he had spoken with the applicant for Nickerson, and they want to be heard by a full Board. It is anticipated they will be going forward, and he will let the Board know as soon as possible. The site visit has been confirmed.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy

**TOWN OF TRURO
Planning Board
MEETING MINUTES
March 4, 2020
TRURO TOWN HALL**

Members Present: Chair-Anne Greenbaum, Peter Herridge, Jack Riemer, Bruce Boleyn, Paul Kiernan

Members Absent: Karen Tosh, Steve Sollog

Others Present: Town Planner-Jeffrey Ribeiro, William Golden

Chair Greenbaum called the meeting to order at 5:03 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 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.

Town Planner Ribeiro was able to go out to the site with the Fire Chief and speak with the property owner and the engineer. He thinks they'll have something to bring back to the Board that will incorporate the changes that were discussed at the last hearing as well as the Fire Chief's comments for their consideration. The Schirmer's have requested to continue to the Planning Board's next meeting on March 18, 2020, and they have the time extension in place so they are good on time.

Member Kiernan made a motion to continue the hearing to March 18, 2020.

Member Boleyn seconded.

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

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.*

Town Planner Ribeiro states that the applicant would like to be heard by a full Board. They have requested to continue to April 1, 2020. Given the history with the case it is fair to honor the request.

Member Kiernan made a motion to continue the hearing to April 1, 2020.

Member Herridge seconded.

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

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; clarifying 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.

Chair Greenbaum stated that these are articles that the Board is proposing. These articles were sent to the Select Board two weeks ago. They are now holding the public hearing and the Planning Board will be voting on each of the articles today.

Member Herridge read aloud the proposed amendments and explanation by the Planning Board for sections 10.4; and 30.2 (listed above).

Member Kiernan made a motion to accept the article as written.
Member Herridge seconded.
So voted; 5-0-0, motion carries.

Member Kiernan read aloud the proposed amendments and explanation by the Planning Board for section 30.9.

Member Herridge made a motion to accept the article as written.
Member Boleyn seconded.
So voted; 5-0-0, motion carries.

Chair Greenbaum read aloud the proposed amendment and explanation by the Planning Board for section 40.2- C. ADU Permit Criteria #3.

Member Herridge made a motion to accept the article as written.
Member Boleyn seconded.
So voted; 5-0-0, motion carries.

Member Boleyn read aloud the proposed amendment and explanation by the Planning Board for section 40.2 ADU Procedure (A, B, C).

Member Herridge made a motion to accept the article as written.
Member Boleyn seconded.

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

Member Riemer read aloud the proposed amendment and explanation by the Planning Board for section 40.2 ADU (D) Procedure; (I); (J).

Member Herridge made a motion to accept the article as written.

Member Boleyn seconded.

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

Member Herridge read aloud the proposed amendment and explanation by the Planning Board for Section 40.2 ADU Procedure (G); (H) new; (I) new; (J) new.

Member Kiernan made a motion to accept the article as written.

Member Herridge seconded.

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

Member Kiernan read aloud the proposed amendment and explanation by the Planning Board for Section 40.2 ADU Finding of Planning Board.

Member Herridge made a motion to accept the article as written.

Member Boleyn seconded.

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

Chair Greenbaum read aloud the proposed amendment and explanation by the Planning Board for Section 40.2 ADU (H) Requirements for Tax Exemption.

Member Herridge made a motion to accept the article as written.

Member Boleyn seconded.

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

Member Boleyn read aloud the proposed amendment and explanation by the Planning Board for Section 70.3 (D) Commercial Development.

Member Herridge made a motion to accept the article as written.

Member Boleyn seconded.

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

Member Riemer read aloud the proposed amendment and explanation by the Planning Board for Section 70.4 (C) Residential Development-Procedure and Plan requirements.

Member Herridge made a motion to accept the article as written.

Member Boleyn seconded.

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

Member Herridge read aloud the proposed amendment and explanation by the Planning Board for Section 70.6 Recording of Decision.

Member Herridge made a motion to accept the article as written.

Member Boleyn seconded.

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

Member Kiernan read aloud the proposed amendment and explanation by the Planning Board for Section 70.9 Waiver of Site Plan Review. While reading, he noticed one error in wording, which was corrected.

Member Herridge made a motion to accept the article as amended.

Member Boleyn seconded.

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

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.

Chair Greenbaum explained that she'd just been handed two requests from the Perrys' to withdraw each of the applications without prejudice. Town Planner Ribeiro stated that there's been a long history at this property with divisions of land, whether by ANR plans or subdivision plans. For that reason, the applicant requests to withdraw. They will reapply when they are able to have an attorney present.

Member Kiernan made a motion to accept the withdrawal without prejudice for the two plans.

Member Boleyn seconded.

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

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.

Town Planner Ribeiro is not yet in receipt of the report. He thinks they will have it tomorrow. He will be distributing the Zoning Board of Appeals packets on Friday. Next weeks' hearing will primarily be a presentation of that report. There will not be a vote to deny or approve the project but depending on the comments from Horsley Witten Group they will know more about the process going forward.

Member Kiernan would like to know where the new report will be located. Town Planner Ribeiro stated that the packets will be on the Zoning Board of Appeals webpage by Friday, and the Cloverleaf webpage shall also be updated. Member Kiernan asked if the Peer Review will be commented on by the Town Attorney. Town Planner Ribeiro stated yes. Member Kiernan wished to know if Town Counsel would be altering the Peer Review at all. Town Planner Ribeiro stated no.

William Golden came up to speak. As he understands, the only people who have seen the plan (outside of the Planners themselves) is Town Counsel. Town Planner Ribeiro agreed.

Update on past Work Sessions/Public Meetings.
Update for future Work Sessions/Public Meetings.

Chair Greenbaum started by stating that they had the Articles, and they had been discussing doing some Town-wide listening/information gathering about housing. She's spoken to Kevin Grunwald and the Housing Authority is eager to do a joint work-session with the Planning Board. That meeting has tentatively been scheduled for April 13, 2020 at 4:30 pm. She asked the Board what location they would like to hold the meeting. It was suggested to try the Library. Member Herridge asked if the intention of the meeting would be to develop ways to go about asking citizens of Truro what they want and need? Chair Greenbaum stated that they would get into the initial discussion of how they envision doing this, generating questions, finding out what authority the Housing Authority has, and what information would they like to get from folks. She feels that the only thing worse than not doing community engagement, would be to do it before you're ready. Member Herridge said that while reading through the enabling legislation for the Community Preservation Committee, he noticed that the CPC is tasked with doing surveys to look at the needs in the various areas they have to give funds for. One of those areas is affordable housing, and the CPC has a budget for it. Chair Greenbaum mentioned that Town Planner Ribeiro also had a small budget. Town Planner Ribeiro stated that there would not be enough money for a Town study, that would have to come from another source. His budget is mostly for the purchase of books and software. Member Herridge stated that the CPC has a considerable budget for studies. Town Planner Ribeiro noted that there may be Cape Cod Commission funding, the District Local Technical Assistance funding, and the Housing Authority may have funds. It is certainly something they can look at. Member Kiernan asked if the Planner would have money for subscriptions which would allow him to look at different laws. Town Planner Ribeiro said that there really wasn't enough money for that, but that he does receive updated copies of a particular Land Use book.

Approval of Minutes

Member Riemer made a motion to approve the minutes of August 14, 2019 as written.

Member Boleyn seconded.

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

Member Riemer made a motion to approve the minutes of October 9, 2019 as amended.

(amendments include the capitalization of a letter and the addition of noting that Member Tosh recused herself from a portion of deliberation and left the room)

Member Boleyn seconded.

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

Member Kiernan wished to discuss the minutes of November 6, 2019. There was a section in which he believed the minutes did not reflect what he wanted to say properly. He provided the Board with the wording he wished to have in the minutes (and also identified the section he wished to be stricken). Chair Greenbaum would like the opportunity to go over the minutes again. Town Planner Ribeiro asked if Mr. Kiernan could provide the emails which were referenced. Member Kiernan stated that most of the emails were between Mr. Panessiti, Steve Sollog, and Karen Tosh, and those emails did not come directly to him. He feels Town Planner Ribeiro should discuss that request with the people the emails were sent to. A decision was made to hold on the approval of the minutes of November 6, 2019.

Next Meeting

Chair Greenbaum stated that their next work session would be held on March 11, 2019 at 2:30 pm at Truro Town Hall.

Chair Greenbaum asked if any members wished to bring up anything before adjourning. Member Kiernan thought it would be good to follow-up with the Charter Review Committee. Chair Greenbaum stated that a revolving set of members were at the Charter Review Committee meeting. The Planning Board may be hearing from the Charter Review Committee, requesting information again. If that does occur, Chair Greenbaum shall respond by acknowledging the request and inviting the Board to come to a Planning Board meeting to discuss. She has also heard that there is a petitioned article to make the Planning Board an appointed body. They will deal with things as they come. Member Boleyn wished to say that a few of the Planning Board members were not allowed to attend the Charter Review Committee meeting. Some members were at the door ready to go in when the Town Manager informed them that they would not be able to go in because the number of Planning Board members attending would be a quorum. Member Boleyn thought that as long as they did not discuss any business, they could attend. Member Herridge believes Member Boleyn is correct. He stated that the Open Meeting Law would not be violated by a quorum of Planning Board members sitting and listening to another Board present items. The prohibition is against discussing Planning Board business outside of their meeting room in an appropriate setting where the public can see. That is a misunderstanding that has been occurring for quite some time. Member Herridge was at that Charter Review Committee meeting and he left because he didn't feel like arguing. Member Kiernan asked Town Planner Ribeiro for a copy of the petitioned article. Town Planner Ribeiro will get a copy to the Board. Member Riemer stated that he contacted the Attorney General's office that responds to Open Meeting violation complaints. The advice he was given by that office was that a quorum can be present at another open meeting being held by another body, the only issue is that they do not deliberate while they are in attendance. Member Herridge stated that those are the same rules for when attending a site visit. He believes they have gotten to a point where this reason is used to harass people for a long period of time, and it has to come to an end.

Member Herridge made a motion to adjourn at 6:12 pm.

Member Boleyn seconded.

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

**Respectfully Submitted,
Noelle L. Scoullar**

TOWN OF TRURO
PLANNING BOARD
Public Meeting Minutes
March 11, 2020 – 2:30 pm
Truro Town Hall

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

Members Absent: Peter Herridge and Steve Sollog

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner

Chair Greenbaum acknowledged the presence of two former Planning Board Chairs, Paul Kiernan and Steve Sollog, on the present Board and thanked them for their participation, experience, and contributions. Stated that it was an interesting position to have two former Chairs still on a Board.

Chair Greenbaum stated that the Select Board went through the Warrant last night. The Zoning Articles had not come back from Town Counsel as yet, so they were not voted on. Planner Ribeiro stated that Town Counsel has reviewed them.

Chair Greenbaum addressed the next Agenda item: the Petitioned Article to have Planning Board members appointed rather than elected, and stated it was voted on. The vote last night, as it is always framed to recommend, was two (2) in favor, three (3) against. Bob and Kristen – yes; Jan, Sue and Stephanie – no. Chair Greenbaum stated there were several people speaking in favor of this last night, so they Planning Board needs to be prepared to address this issue at Town Meeting.

Chair Greenbaum stated that the Charter Review Committee is continuing the process of looking at this and whether or not to recommend something to next year's Town Meeting. They have sent a list of questions, again, and added one. The list of questions had been handed out to each Member. The Charter Review Chair, Bob Panessiti, had requested to meet with the Planning Board. Chair Greenbaum would like to invite them to one of the Planning Board's meetings since it is taped and available for review. It was agreed by Members present that they would extend an invitation to the Charter Review Committee to attend one of the Planning Board meetings, and Chair Greenbaum stated the invitation would go out to them after this meeting ended.

Member Kiernan addressed a few of the top questions on the list from the Charter Review Commission. Chair Greenbaum stated that one of the things Chair Panessiti was saying was that they were using an instrument through the Mass Municipal Association (MMA) that assists towns in figuring out whether, according to this set of criteria, it makes more sense for a board to be appointed versus elected. Chair Greenbaum stated that a copy of that would be sent to the Board in her email. The last question on the list referred to whether the Planning Board had ever gone against recommendation from Town Counsel or the Town Planner and, if so, why and what was the outcome. Member Kiernan stated that if Planning Board's reading of the law differs from Town Counsel's reading of the law, then they have to follow their conscience. Member Kiernan

stated that they take an oath to follow the law; we don't take an oath to follow Town Counsel or the Town Planner. Member Tosh brought up the Townsend case as an example and stated that Town Counsel was very careful not to give definitive opinions. She doesn't believe that, in her experience on the Board, they have ever done anything in opposition to Town Counsel recommendation. Member Kiernan also stated that in all his years of experience, Town Counsel has never told them what to do. Member Tosh explained that Town Counsel's role is as an advisor, not advocate, and that same principle applies to Town Planner. Member Tosh agreed to start working on responses to the list of questions and also using the Planning Board Handbook as a reference as pointed out by Member Riemer. Chair Greenbaum will obtain the MMA which will be distributed to the Board via email. Member Kiernan referenced Zoning Section 10.2 Purpose, which, he pointed out, states at the end "and to promote the implementation of the goals and policies of the Local Comprehensive Plan". State Law, Chapter 40A and 41, states what the Planning Board does. Chair Greenbaum stated that she and Member Tosh will start drafting responses to the questions.

Chair Greenbaum addressed the next Agenda item: Housing Initiative – A Community Conversation stating that Kevin Grunwald, Planner Ribeiro, and she met yesterday to talk about joint meeting with [off topic question regarding Cloverleaf, answered below].

Chair Greenbaum stated the Cloverleaf report is out and will be discussed by the Board at their meeting next Wednesday and whether we have comments that would go to the ZBA. The ZBA meeting tomorrow will just be a report and maybe questions from the ZBA. Chair Greenbaum suggested that it would be a good idea for everyone to read this report and then watch the ZBA meeting before formulating questions. Planner Ribeiro stated that Mark Nelson from Horsley Witten, one of the principals, will present the report. There will be at least two, if not more, hearings after this with one in April which will give the Board opportunity to review and provide comments before the ZBA considers a vote.

Member Kiernan wanted to bring to the attention of the Board that the December 1st Staff Report, corrected by Planner Ribeiro to be November 21st, regarding the whole water section was copied word-for-word from the application. Planner Ribeiro offered to get Member Kiernan and the Board copies of that Staff Report, but Member Kiernan declined stating he had it. Planner Ribeiro suggested that the Staff Report may have been laying out what the application said and that the Staff Report also did say that the Town is likely going to have to hire a peer consultant to review that information. Member Kiernan stated that the Staff Report review was spot-on. Kudos! Town Planner Ribeiro went on to say that, prior to any septic system conversation, the Staff Report had come out and included that this would have to be reviewed by a professional, the Cape Cod Commission, and probably a Town consultant.

Getting back to the previous topic, Chair Greenbaum stated that she met with Kevin Grunwald and Planner Ribeiro to talk about a joint meeting with the Housing Authority. Meeting is confirmed for 4:30 pm - 6:30 pm on Monday, April 13, at the Library in the Alice Brock Room. They discussed how the meeting would be structured.

Chair Greenbaum queried the Planning Board: how does community engagement work? Chair Greenbaum pointed out that Planner Ribeiro has been involved in the Local Comprehensive Plan

outreach in Provincetown and information/photos that were included in the meeting packet were discussed. Planner Ribeiro gave details to the Board regarding Provincetown's process. He also discussed outreach to different Truro Boards and Committees for input and referenced sources of information and events/activities for ideas. As the conversation is started with the Housing Authority, we should start brainstorming as to what kind of outreach we want to do. Using the initial list of questions and things we had, and the concerns we brainstormed, think about where to go, who do we get, and how to we find them and start discussing these things. A good reference is Brewster's Visioning Plan 2018 regarding housing/action plan, which was also included in the meeting packet. Be thinking about that and defining what are the goals, based on the input we get, and what are the actions we need to be taking toward those goals based on community input.

Chair Greenbaum noted that the Coronavirus could make this even more challenging but asked the Board to think about, start listing between now and December, and meeting people where they are at. What are existing groups, events, places people congregate or have to go to, that we want to have on our list and make sure they are uses as resources. The Board discussed multiple location options for handing out surveys. Chair Greenbaum noted that there were two other documents provided by the Planner in their packets that were Truro specific. One is the Housing Production Plan and the other is the Community Housing Needs Assessment. Planner Ribeiro stated that both of these were prepared per Department of Housing Community Development (DHCD) guidelines.

Member Kiernan pointed out on page 3, Truro Housing Production Plan, a chart, which this Board unanimously voted for, of the Cloverleaf property which referenced a number of units as being 12. Chair Greenbaum stated that this housing plan is only about one piece of what we are looking at, and it is all about affordable housing. It is a small piece of the housing puzzle, and this plan was based on their best estimates at the time. Planner Ribeiro stated that this is a planning tool not a strict roadmap. Member Riemer pointed out that year-round condos are not considered here. Chair Greenbaum suggested that the types of year-round housing should be looked at – affordable, workforce, senior – and determine how these groups will be defined. Chair Greenbaum mentioned the Ryan Report, which is now 5 years old and based on 2010 census data. Planner Ribeiro explained his role with the DLTA distribution of the money and also stated that broad trends and demographics should be looked at. The controversy, mostly accuracy of the numbers, regarding this report was discussed and to use this report as a resource. Methods for getting information and feedback to and from Truro residents, community engagement, was also discussed.

Member Kiernan expounded on one of the things, he believes, is an underlying problem with Truro: basic zoning which took place in 1960. He went on to explain how he thought zoning could be corrected in Town and also explored using the current Bylaw. Planner Ribeiro, using a 2014/2015 Cape Cod Commission program, projected information which showed Truro's business district from 1952 onward. Discussion of growth in the business district and other areas of Truro followed.

Chair Greenbaum stated no site visit next week on Tuesday.

Chair Greenbaum then referred to two documents in the packet: Planning Board Report and Accomplishments (timeframe May 2019 to present). The Planning Board Report, prepared by Chair Greenbaum and Planner Ribeiro, will go in the 2019 Annual Town Report. Chair

Greenbaum reviewed the Accomplished document which shows what has been done separate from all of the cases heard. Looking at major projects, now through 2021 Town Meeting: housing initiative, street definition and turnaround – importance emphasized, and implications expanded upon, by Planner Ribeiro. Member Kiernan pointed out the definition of “Street”, in the current Bylaw since 1989, was approved at that Town Meeting unanimously. The definition for street frontage has been changed only once, in 2007. Member Kiernan explained how that changed calculation of frontage. Street definition has come up many times, and each time has been shot down. Member Kiernan explained the details of Planning Board’s role in the definition of “Street”. Chair Greenbaum and Planner Ribeiro discussed with the Board possible major issues and thoughts to review. Member Kiernan explained how lot size, road, and 1960 zoning is interpreted and how it relates to State Law and Seashore Districts. Planner Ribeiro stated that this definition is clearly an issue which needs to be addressed.

Chair Greenbaum reiterated major projects and addressed Member Riemer as he had previously commented that the Planning Board Handbook needs revision. Member Kiernan stated Eastham’s Handbook, which is a few years old, includes Case Law in descriptions. He gave in-depth information on this handbook. Chair Greenbaum asked if there were any other critical issues for consideration over the next year. Member Kiernan stated fix the ADU Bylaw, in particular removing it from the Seashore District so as a Board they are not forced to violate Federal Law. Member Kiernan went on to explain his thoughts and what has been relayed to him from residents living in the National Seashore. Member Riemer stated that a critical issue might be to consider ADU amnesty.

Chair Greenbaum gave an update regarding her visit, along with Member Riemer, at the Housing Peer Group and stated that an interesting issue was raised: surrounding towns do not interpret State Law the same way as Truro regarding ADU and septic. They do not require separation in septic. Clarification is needed, and Planner Ribeiro stated that Health & Conservation Agent Beebe has already contacted the DEP regarding this for a formal determination. He also stated that Ms. Beebe has also been working with the county Septic Loan Program regarding ADU’s and making sure information is available.

Chair Greenbaum asked if the Board wanted to have a work session in two weeks. Wednesday, March 25 at 2:30 pm was decided upon. At that time the Cloverleaf report will be discussed. Member Kiernan pointed out a few issues he had.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy

TOWN OF TRURO
PLANNING BOARD
Meeting Minutes
March 18, 2020 – 5:00 pm
CONDUCTED VIA TELEPHONE

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

Members Absent: R. Bruce Boleyn and Peter Herridge

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner

Meeting convened at 5:00 pm by Chair Greenbaum

Town Planner, Jeffrey Ribeiro, stated that this meeting is being audio recorded to be put up on the website per the requirements from the AG for meetings that cannot be live streamed. He stated that we are working on the tech to potentially allow for more substantive meetings but in the meantime, we are doing this.

Chair Greenbaum stated that we are dealing with the fact that we are in the Coronavirus crisis and deferring and continuing things until hopefully life has calmed down. Chair Greenbaum asked for a motion on the Schirmer issue.

Member Paul Kiernan stated he would like to make a motion. He moved to continue case **2019-006/PB** to the meeting of May 6, 2020. Motion made by Member Kiernan with a second by Vice Chair Tosh. Voted all in favor, none opposed, two absent. So voted: 5-0.

Chair Greenbaum asked Planner Ribeiro to give a brief overview of moving forward and how that would be communicated. Planner Ribeiro stated that he is working his normal hours, either in Town Hall or from home, and that he is available through his work number or email. He stated that he would be reaching out to the Planning Board once he has more information on what the options are for public meetings.

Chair Greenbaum asked if there were any questions for the Planner but there were none. Chair Greenbaum then asked if she could have a motion to adjourn. Member Kiernan so moved with a second by Vice Chair Tosh. Voted all in favor. So voted: 5-0, two absent.

Meeting adjourned.

**TOWN OF TRURO
PLANNING BOARD**
Meeting Minutes
April 1, 2020 – 5:00 pm
CONDUCTED VIA TELEPHONE

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

Members Absent: R. Bruce Boleyn

Other Participants: Jeffrey Ribeiro, AICP – Truro Town Planner

Phone meeting convened at 5:03 pm, Wednesday, April 1, 2020 by Chair Greenbaum

Town Planner, Jeffrey Ribeiro, stated that we are continuing, and may have to do this again, but for now we have the signed Extension Agreement and the Agreement to Continue to May 6. You will be hearing from me in advance of our next meeting.

Chair Greenbaum stated that this is to continue the Nickerson matter. Chair Greenbaum asked the Board Members if anyone had any comments on it before voting. Paul Kiernan stated that he would like to thank Jeff for getting the extensions and making sure that we are safely within our legal limits to avoid constructive approvals.

Chair Greenbaum asked for a motion to continue and a question was asked about the date certain. Town Planner Ribeiro stated that the motion is to continue case **2020-001/PB** to the regularly scheduled meeting of May 6, 2020 at 5:00 pm in the Select Board Meeting Room, Truro Town Hall, 24 Town Hall Road, Truro. So moved? Motion by Peter Herridge and a second by Paul Kiernan. Chair Greenbaum asked if there were any discussion or questions but there were none. Voted all in favor by roll call vote, none opposed, one absent. So voted: 6-0.

Chair Greenbaum asked if any Board Member had anything for a future agenda but there were none. Chair Greenbaum then stated she would like to adjourn this meeting. Town Planner Ribeiro asked the Board Members to remember to check their emails in advance of the next meeting on the 15th.

Meeting adjourned.

Respectfully submitted,

Elizabeth Sturdy